

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF OREGON

3 UNITED STATES OF AMERICA, )

4 Plaintiff, )

5 v. )

6 PIROUZ SEDAGHATY, et al., )

7 Defendants. )

) No. 05-60008-2-HO

) September 3, 2010

) Eugene, Oregon

8  
9 TRANSCRIPT OF TRIAL PROCEEDINGS

10 BEFORE THE HONORABLE MICHAEL R. HOGAN

11 UNITED STATES DISTRICT COURT JUDGE, AND A JURY

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1 (Friday, September 3, 2010; 8:54 a.m. Jury absent.)

2 P R O C E E D I N G S

3 THE COURT: Thank you. Be seated, please.

4 MR. CARDANI: Good morning, Judge.

5 THE COURT: Go ahead.

6 MR. MATASAR: Your Honor, I wanted to raise a  
7 matter, an important matter, concerning the  
8 hypotheticals that were asked of the witness,  
9 Mr. Wooten, from the IRS. My hypothetical was based on  
10 the facts --

11 THE COURT: I'll take this up later. Let's  
12 seat the jury.

13 MR. MATASAR: No. It has to do with  
14 Ms. Anderson's testimony, Your Honor.

15 THE COURT: Be quick about it, then.

16 MR. MATASAR: Pardon me?

17 THE COURT: Be quick about it.

18 MR. MATASAR: Okay. Mr. Cardani indicated in  
19 his hypothetical, "Assume there's a wealthy Egyptian  
20 individual who wants to donate money to the Chechnyan  
21 mujahideen to support a fight in Chechnya," and assuming  
22 further that he wants to send money to the U.S. rather  
23 than Saudi Arabia to conceal the transaction from the  
24 Egyptian government. There is a 302 that we offered  
25 that indicates the secret police in Egypt did a detailed

1 investigation of this man. He checked with his boss,  
2 with his main employee to determine that this was a  
3 proper place to send money for widows and orphans. I  
4 think Mr. Cardani's intentional mischaracterization  
5 should get either some sort of admonishment -- what I  
6 would suggest here is the court simply say to the jury,  
7 hypotheticals must be based on facts. Two, that  
8 Mr. Cardani's wasn't. And, three, that you have  
9 admitted, to cure this error, Defendant's Exhibit 678,  
10 which is the El-Fiki 302.

11 That's my request. And since Ms. Anderson was  
12 present during the interview of Mr. El-Fiki, and she  
13 well knows all of this information, that's why we feel  
14 we have to bring it up now.

15 THE COURT: Mr. Cardani.

16 MR. CARDANI: Judge, I didn't bring this up in  
17 direct. It was in response, over my objection, that the  
18 defense was allowed to use a hypothetical. Clearly --

19 MR. MATASAR: Excuse me, that's not correct.  
20 It was your suggestion that I offer a hypothetical,  
21 Mr. Cardani.

22 MR. CARDANI: When we moved into the  
23 hypothetical, it was clearly trying to base the facts of  
24 the case, in my opinion, into this very lengthy question  
25 to do in a hypothetical what he couldn't do directly.

1 I thought it was a fair response. I had a good  
2 faith basis to ask about the issue about the Egyptian  
3 government. We have adverse information on Mahmoud  
4 El-Fiki having ties to an organization called the Muslim  
5 Brotherhood. So it was no more than that.

6 I have no objection for you telling the jury  
7 that a hypothetical is not based on facts. If that's --  
8 if that's how you want to do this or in instructions or  
9 now.

10 I have one other matter to raise as well.

11 THE COURT: All right. Go ahead.

12 MR. CARDANI: It's my understanding we have a  
13 number of character witnesses being called by the  
14 defense this morning. My understanding of the rules of  
15 character witnesses are that you are allowed to  
16 generally probe their knowledge base of the defendant,  
17 how they know him and what circumstances and the like,  
18 but not get into a very detailed exploration of this  
19 particular event or this particular article or this  
20 particular book, but as general foundation for the  
21 ultimate fact about the reputation or things of the  
22 like.

23 So just a little concerned about how much  
24 detail they are going to be allowed to get in direct in  
25 terms of laying a foundation for the reputation

1 testimony.

2 THE COURT: There is a rule on it. We'll  
3 follow the rule.

4 MR. WAX: Your Honor, we are not calling these  
5 people as character or reputation witnesses. We are  
6 calling them to testify to their communications with  
7 Mr. Seda about the issues that the government has  
8 interjected through its calling of Mr. Gartenstein-Ross  
9 and through the inferences they are asking the jury to  
10 draw from the communications that are present on the  
11 computers.

12 THE COURT: With regard to the matter raised by  
13 Mr. Matasar, I will include an instruction about  
14 hypotheticals.

15 Seat the jury, please.

16 MR. MATASAR: But what -- okay. Could we at  
17 least question Ms. Anderson about this matter?

18 THE COURT: No.

19 MR. MATASAR: I think the hypotheticals are  
20 simply vague. The jury won't know that the hypothetical  
21 wasn't based on real facts. Mr. Cardani is -- he says  
22 there is some information that they have, which we never  
23 had. All the information we had is that this  
24 hypothetical was not based on facts. If you give them  
25 an instruction that hypotheticals must be based on facts

1 without more, they'll think that what -- that will  
2 really give further support to the mischaracterization  
3 of what is in the FBI 302 that we were provided, Exhibit  
4 678.

5 THE COURT: Thank you, Mr. Matasar. I'm not  
6 deciding this. The jury is. However, I think you both  
7 took some liberties in hypotheticals.

8 MR. MATASAR: Well, I read mine, Your Honor,  
9 last night and it seemed to be based on all admissible  
10 evidence --

11 THE COURT: My opinion on that --

12 MR. MATASAR: -- admitted evidence.

13 THE COURT: -- doesn't matter, but it does help  
14 inform my decision.

15 Please seat the jury.

16 MR. WAX: Can we have a ruling on Exhibits 704  
17 and 705, Your Honor? May I inquire further of the  
18 witness further on those?

19 THE COURT: Yes.

20 Ms. Anderson, go ahead and take the stand.

21 THE WITNESS: Thank you.

22 (Jury enters the courtroom at 9:06 a.m.)

23 THE COURT: Good morning, Jurors.

24 Go ahead.

25 MR. WAX: Thank you, Your Honor.



1 CROSS-EXAMINATION (Continuing)

2 BY MR. WAX:

3 Q. Good morning, Ms. Anderson.

4 A. Good morning.

5 Q. I'm going to try to move this along a little  
6 bit. We were going through a number of the items from  
7 the computer yesterday, and I'd like to ask, we dropped  
8 off in early January, were there a series more e-mails  
9 that you saw in January and February that were sent by  
10 or received by Mr. Seda?

11 A. I'm not sure exactly the time period, but I did  
12 see other e-mails that pertained to charities that maybe  
13 function in the Chechnya area, if that's what you are  
14 asking.

15 Q. Thank you. I'd like to turn now to some  
16 e-mails from the end of February, and these will not be  
17 shown to the jury at this time, Your Honor. These are  
18 marked for identification.

19 THE COURT: Thank you.

20 BY MR. WAX:

21 Q. If we could put up, please, 697A. Do you  
22 recall seeing this?

23 A. Can I have a second, please? If I didn't see  
24 this specific one, I did see something like that, yeah.

25 Q. Thank you. 697B, please.

1 A. I believe I've seen that one.

2 Q. Thank you. 698A, please.

3 THE COURT: Did you say A?

4 MR. WAX: Yes, Your Honor.

5 THE WITNESS: I'm sorry, Mr. Wax, was I  
6 supposed to comment on whether or not I saw this?

7 BY MR. WAX:

8 Q. Yes. The question is whether or not you've  
9 seen this -- you saw this.

10 A. Yes. In fact, this particular e-mail  
11 specifically I recall because I attempted to contact the  
12 Catherine Granel that is mentioned in the letter.

13 Q. Thank you. 698C, please.

14 A. Yes. Again, this is the same Catherine Granel  
15 that I attempted to contact.

16 Q. And 698D as in David?

17 A. Yes, again, this is similar to the other.

18 MR. WAX: Your Honor, I would offer at this  
19 time 697A and B, 698A, C and D.

20 THE COURT: Counsel.

21 MR. CARDANI: Objection, self-serving hearsay.

22 THE COURT: Excuse me?

23 MR. CARDANI: Objection, self-serving hearsay.

24 THE COURT: All right. Members of the jury, a  
25 very short lesson on the law, okay? You -- everyone has

1 heard the term hearsay before. And hearsay is something  
2 basically that someone said or wrote that's offered for  
3 the truth of it. And so I'm going to admit these  
4 exhibits but not for their truth. You may not look at  
5 them for their truth, only the fact that this has been  
6 sent, and anything that may reveal about other issues,  
7 but not for the truth of what is said in them. Do you  
8 understand? Okay. Good. They are received.

9 MR. WAX: Thank you.

10 BY MR. WAX:

11 Q. If you could please look at 701 now.

12 A. I'm not sure that I saw this -- well, in fact,  
13 I don't believe I saw this one. It says info to Harith.  
14 I have no idea who that is.

15 Q. You don't recall having seen this one?

16 A. Not this particular one. I am familiar with  
17 Islam Relief. I interviewed one of their  
18 representatives at Islamic Relief, an Anwar Khan, and  
19 spoke to him about whether or not he had any contact  
20 with the defendant. But I'm not familiar with this  
21 particular, no.

22 Q. We'll move on then. You testified in your  
23 direct examination that you selected, because you  
24 thought they were in the relevant time and otherwise  
25 important to you, SW-31, which is a March 22 e-mail;

1 SW-32, an April 12 e-mail; and these are e-mails  
2 received at the computers; and SW-33, a May 28 e-mail --  
3 excuse me. 32 -- I was mistaken on that. 31 and 33  
4 were received from the Sheeshaan e-mail list. And 32  
5 was an e-mail sent by Mr. Seda, I believe, or at least  
6 by someone at P, correct? You testified that you had  
7 selected those because you believed the relevant time  
8 frame, et cetera?

9 A. Relevant time frame and relevant content, yes.

10 Q. I would now like to direct your attention,  
11 please, to Exhibit 805A, and ask whether or not you  
12 recall having seen that?

13 A. I'm sorry, can you blow it up a little bit for  
14 me, please. Thank you. I can't say for certainty that  
15 I have seen this, because I don't specifically see any  
16 of the types of words that I would have put in my search  
17 terms.

18 As I explained yesterday, I put relevant words  
19 in search terms like Chechnya, the defendant's name, the  
20 codefendant's name, the accountant or bookkeeper's name,  
21 things of that nature. And I'm not sure that I see  
22 Chechnya in here, so I'm not sure that I've seen this.

23 Q. If you didn't see it, then I've understood it's  
24 because the search terms that you chose might not have  
25 appeared in here. Do you --

1 A. That's correct.

2 Q. Do you understand, however, that this e-mail  
3 was provided to the government by the defense for  
4 comparison purposes by Mr. Christianson to ensure that  
5 it was, in fact, found on the computers?

6 A. That is correct. Any of the ones that you have  
7 provided to the government, Mr. Christianson verified  
8 were in the computers.

9 Q. 805B, please. Well, just the date of this is  
10 April 19, seven days after the date of SW-32?

11 A. That's correct.

12 Q. Thank you. 805B, please.

13 A. This looks familiar, yes.

14 Q. And 806, if you would look at that, please.  
15 And the first question about 806, if you look in the  
16 lower right-hand corner, with reference to the number on  
17 it, not the defense identification number, is that an  
18 indication that you had a hard copy of this that was  
19 obtained through the subpoena process?

20 A. I believe so. I believe that number at the  
21 bottom indicates that it may have been within the first  
22 batch of records that I received from the al-Haramain  
23 Islamic Foundation's attorneys when I issued a subpoena.

24 MR. WAX: Your Honor, I would offer 805B and  
25 806.

1 MR. CARDANI: Judge, if it's received with  
2 those limitations that you just instructed the jury,  
3 then we do not have any objections.

4 THE COURT: Yes. They are received, but not  
5 for their truth.

6 MR. WAX: Thank you.

7 BY MR. WAX:

8 Q. If we could turn now to 810. The numbering on  
9 the bottom of this one, does that indicate that this was  
10 also received during this subpoena process?

11 A. Actually, can you blow that up? I believe  
12 that's your numbering system, not previously from the  
13 subpoena. FPDU (sic) indicates that's your numbering  
14 system.

15 Q. No, that is the joint numbering system. If you  
16 recall, the government and defense jointly agreed to use  
17 FPDUS for scanning in documents.

18 A. Okay. But that number doesn't indicate that it  
19 came within the batch of records for the subpoena.

20 MR. WAX: May I have a moment, please, Your  
21 Honor.

22 THE COURT: Yes.

23 (Discussion held off the record.)

24 MR. WAX: I'll move on to another one, Your  
25 Honor.

1 BY MR. WAX:

2 Q. I'd like to ask you with respect to your direct  
3 examination testimony, you pulled out and included  
4 SW-36, an e-mail sent on September 18th of 2000.

5 A. Yes.

6 Q. SW-37, an e-mail received on September 20th of  
7 2000.

8 A. Yes, from Sheeshaan, yes.

9 Q. And SW-38, an e-mail sent on October 18 of  
10 2000?

11 A. I'm not actually sure that we discussed SW-38  
12 in my direct but I am familiar with the e-mail.

13 Q. It is an exhibit that the government has  
14 offered and it has been received in evidence?

15 A. Yes, that's correct.

16 Q. And those exhibits were selected, at least in  
17 part, all of them with your participation?

18 A. Yes, they were.

19 Q. And then SW-39, please, is that another e-mail  
20 sent on October 18, 2000?

21 A. Yes. That's an e-mail from the defendant to  
22 the Saudi accountant and/or bookkeeper.

23 Q. All right. I'd like to direct your attention  
24 now, please, to Exhibit 910 that's been marked for  
25 identification, and tell us whether or not you recall

1 having seen this?

2 A. I'm sorry, could you blow that up for me,  
3 please? Thank you. Yes. I believe I did see this one  
4 because it is signed AU, which is how the defendant  
5 signs a lot of his e-mails.

6 Q. Would you please then look at -- and the date  
7 on that is October 9th --

8 A. I'm --

9 Q. -- of 2000?

10 A. I'm sorry, it's not before me.

11 Q. I'm sorry. Take a look again, please.

12 A. October 9th, yes.

13 Q. Then if you could please look at Exhibit 911  
14 for identification.

15 A. I'm sorry, can you blow that up for me, please.  
16 I'm not sure that I have seen this one.

17 Q. Would you look, please -- if you could show her  
18 the next page of it. If you could look at that, please.  
19 This is an attachment to the 911, for identification.

20 A. The breakdown section looks familiar, but I'm  
21 not sure that I have seen this within the same context  
22 of this e-mail.

23 Q. But, again, with respect to 911, these were  
24 provided to the government -- I mean, after you provided  
25 us with the hard drives, we provided you these documents



1 that we intended to offer, and Mr. Christianson had the  
2 opportunity to review and ensure that they were on the  
3 computer?

4 A. That's correct, Mr. Christianson did review and  
5 make sure that these were on the computer.

6 MR. WAX: Thank you. Your Honor, I would offer  
7 910 and 911 under the same circumstances.

8 MR. CARDANI: Same response, Your Honor.

9 THE COURT: They are received, but not for  
10 their truth.

11 MR. WAX: Thank you, Your Honor. I have no  
12 further questions.

13 THE COURT: Redirect.

14 REDIRECT EXAMINATION

15 BY MR. CARDANI:

16 Q. Agent Anderson, Mr. Wax yesterday and today  
17 asked you a number of questions about some additional  
18 e-mails that concern contacts in the computers with  
19 Mr. Sedaghaty's operation and aid groups; is that right?

20 A. And eGroups, yeah.

21 Q. I'm sorry, aid groups.

22 A. Oh, aid groups, yes.

23 Q. And one of them was the -- can we bring up  
24 Defense 682, please. Thank you. If we go to -- if we  
25 could highlight maybe the upper half. Thank you. Are

1 you familiar with this group, Islamic Relief?

2 A. Yes.

3 MR. WAX: Your Honor, I'm wondering if these  
4 should now be shown to the jury, if these have been  
5 received.

6 THE COURT: Fine.

7 MR. CARDANI: Yes. Please. Thank you,  
8 Mr. Wax.

9 BY MR. CARDANI:

10 Q. So are you familiar with Islamic Relief?

11 A. I am.

12 Q. Before we get to -- do you see the address  
13 here, put your finger where you see the contact  
14 information.

15 A. Yes, right here.

16 Q. Okay. During your investigation, did you find  
17 this particular e-mail?

18 A. Yes, I have seen this e-mail because, again, it  
19 has Chechnya in it, which was one of my search terms.

20 Q. Did you attempt to do any follow-up work based  
21 on this and other Islamic Relief items?

22 A. I did.

23 Q. What did you do or, I'm sorry, why?

24 A. Why? First of all, it's talking about  
25 Chechnya, which to me was a relevant term. And it's

1 talking about refugees and some type of aid to refugees.  
2 So I contacted the group in southern California. And I  
3 spoke with a Mr. Anwar Khan to try and determine whether  
4 or not he was in any way familiar with the defendant,  
5 or -- and/or if he received any funds from the defendant  
6 or the defendant's organization.

7 Q. And what did he tell you about his --

8 MR. WAX: Your Honor, I object. That would be  
9 hearsay, and we are intending on bringing in Mr. Khan,  
10 so the jury can hear from him directly.

11 THE COURT: Sustained.

12 MR. CARDANI: Okay.

13 BY MR. CARDANI:

14 Q. Without getting -- without getting into the  
15 details of what he said, you contacted -- did you call  
16 this phone number that was on the e-mail?

17 A. I'm not sure if it was this phone number or  
18 another phone number that I received. But prior to  
19 making the contact, I went to the bank records to try to  
20 determine if any actual donations were made and there  
21 were not.

22 Q. All right. Before we get to the money, though,  
23 you reached out -- you spoke to somebody at this  
24 organization?

25 A. Yes, Anwar Khan.

1 Q. And without getting into the details, did you  
2 write a report based on that contact?

3 A. I did. I believe I interviewed him on  
4 November 2, 2004.

5 Q. And you -- we provided that report to the  
6 defense long ago?

7 A. I did, yes.

8 Q. Now, the money, did you examine the bank  
9 records, the al-Haramain U.S. bank records, to determine  
10 whether any funds were provided by al-Haramain to the  
11 Islamic Relief organization in California?

12 A. I did.

13 Q. And the result?

14 A. I could not find any funds that were  
15 transferred or in any way given to this organization.

16 Q. Now, there has been a reference to another  
17 account, The Arborist account that Mr. Sedaghaty had at  
18 the Bank of America, did you take a look at that as  
19 well?

20 A. Yes. I reviewed that and I didn't see any  
21 funds going to this organization either.

22 Q. How about for wires, did you look for any wire  
23 transfers?

24 A. Yes. I reviewed several wire transfers, some  
25 of which have been shown, and I didn't see any wire

1 transfers.

2 Q. Defense 683, please. If we could show that to  
3 the jury as well.

4 A. Thank you.

5 Q. Now, halfway down, this does involve Chechnya,  
6 so you were keen on this?

7 A. Yes. And it's December 30, 1999, time frame,  
8 and it's talking about Chechnya, and I believe there was  
9 a little bit of correspondence between the defendant and  
10 the codefendant regarding it. And although I didn't see  
11 any funds going to this organization, I attempted to  
12 find the organization on the Internet and couldn't find  
13 anything regarding it. Went to Web archive and things  
14 like it to try to find it, but it's my understanding  
15 that a lot of these aid organizations no longer exist.

16 Q. Why did you try to get the contact information  
17 for this organization?

18 A. Again, there -- it's obviously in the e-mails,  
19 there is some discussion about it, I thought, well,  
20 let's -- I wanted to find out whether or not the  
21 defendant had made any contact with this organization.  
22 Looked in the bank records, there were no funds going to  
23 it, so.

24 Q. 683B as in boy, if we could have that brought  
25 up. Same thing here?

1       A.       Yes.  It's the same organization.  The  
2       aidorg@ole.com.

3       Q.       Okay.  And I'm not going to go into  
4       individually every one of the ones that Mr. Wax just  
5       introduced, but could you tell the jury just in general  
6       your methodology in the investigation when you saw  
7       things in the computer that reference contacts with  
8       other organizations, what did you do?

9       A.       Okay.  Well, specifically in the computer if it  
10      in any way looked like there -- it was within my time  
11      frame and had to do with Chechnya, then I would attempt  
12      to find the organization or look for a contact or  
13      something of that sort.

14              Some of them, like, for instance, that just  
15      referenced the U.N., I had no idea how to get ahold of a  
16      proper section to talk to somebody in the U.N.

17              However, there was some e-mail that went back  
18      and forth between Mr. Sedaghaty and  
19      Mr. Gartenstein-Ross, I believe that you have seen, that  
20      pertained to, I guess, the Russian Embassy where there  
21      was some discussion on how to basically cleanup an  
22      e-mail that Mr. Sedaghaty, the defendant, wanted to send  
23      to the Russian Embassy.

24              I did attempt to actually call the Russian  
25      Embassy.  However, I don't speak Russian and the person

1 who answered that line spoke absolutely no English, so I  
2 couldn't even confirm that it was the right section.

3 Q. But with respect to the money now, you said --  
4 you testified yesterday that your primary job was to  
5 follow the money?

6 A. Yes, that's correct.

7 Q. In your examination of the al-Haramain bank  
8 records, was there a lot of money coming in to the  
9 Ashland-based organization by way of just general  
10 donations?

11 A. No, no. Most of the donations from my analysis  
12 came in from the parent organization, Saudi Arabia, and  
13 the El-Fiki donation was a large donation. That, in  
14 combination, you know, with the Canadian funds that  
15 never left the account, those comprised, you know, the  
16 two largest donations that I saw other than what comes  
17 from Saudi Arabia.

18 Q. For what time period?

19 A. My analysis, my spreadsheet, as I like to call  
20 it, was from '99, 2000, 2001, time period.

21 Q. So there wasn't a lot of money to distribute  
22 from the Ashland-based organization?

23 A. On -- like I said, some of the funds that came  
24 from Saudi Arabia were somewhat significant. And on  
25 occasion, the Ashland organization would make donations

1 to, say, like, I think there was an Almadina Islamic  
2 School. I contacted them. And I believe that they had  
3 some funds going to a western Somalia relief agency, and  
4 I contacted them also.

5 Q. So did you generally try to reach out to  
6 anybody that you could that appeared to have received  
7 money from the bank account?

8 A. Yes. If it had to do with possibly some kind  
9 of relief work or charity donation of that sort.  
10 Obviously, I didn't contact grocery stores or anything  
11 that didn't have to do with what I was looking for.

12 Q. And also attempted to talk to people of the  
13 same -- in the same categories?

14 A. Yes.

15 MR. CARDANI: That's all I have. Thank you.

16 MR. WAX: Your Honor, I forgot to ask about one  
17 of the exhibits.

18 THE COURT: Go ahead. It's all right.

19 MR. WAX: Excuse me?

20 THE COURT: Go ahead.

21 MR. WAX: Thank you.

22 If we could please show, this is for  
23 identification, not to the jury, 697.

24

25



1 RECROSS-EXAMINATION

2 | BY MR. WAX:

3 | Q. Do you recall having seen this one?

4           A.     I believe so. The name sounds familiar. I'm  
5 just not sure that I've seen the content.

6 Q. Again, it was provided to Mr. Christianson for  
7 his review?

8 | A. Yes, it was.

9 MR. WAX: I would offer it, Your Honor, under  
10 the same conditions.

11 MR. CARDANI: I have the same response, Your  
12 Honor.

13 THE COURT: I'll receive it, but not for its  
14 truth.

15 MR. WAX: Thank you. I have nothing else.

16 THE COURT: You may step down.

17 THE WITNESS: Thank you.

18 MR. CARDANI: Judge, subject to meeting with  
19 the defense counsel and the court, cleaning up some of  
20 the exhibits, and to get stipulations all taken care of,  
21 at this point the government rests its case.

22 THE COURT: Thank you. I'll reserve the  
23 defendant's motions.

24 | Call your first witness, please.

25 MR. WAX: Thank you.

1 THE CLERK: Please raise your right hand.

2 (The witness was sworn.)

3 THE CLERK: Please step around back. Please  
4 have a seat.

5 THE WITNESS: Thank you.

6 THE CLERK: If you'll speak into the microphone  
7 here. And there is water here if you need to.

8 THE WITNESS: Thank you. I appreciate it.

9 THE CLERK: Please state your name and spell it  
10 for the record.

11 THE WITNESS: David Zaslow, Z, as in zebra,  
12 A-S-L-O-W.

13 DIRECT EXAMINATION

14 BY MR. CASEY:

15 Q. Mr. Zaslow, tell us where you live, please.

16 A. I live in Ashland, Oregon.

17 Q. And what is your occupation?

18 A. I'm a rabbi.

19 Q. And that means that you are a member of the  
20 Judaic faith?

21 A. Yes. I'm Jewish and a congregational rabbi.

22 Q. Do you know Pete Seda?

23 A. Yes, I do.

24 Q. Is he here today?

25 A. Yes, he is.

1 Q. Can you point him out?

2 A. Yes. Right over there.

3 Q. Tell us a little bit about your background,  
4 where were you born, and when did you come to Oregon.

5 A. I grew up in New York City, in 1947, and I  
6 moved to Ashland, Oregon, to finish my undergraduate  
7 work and do my graduate work in 1970.

8 Q. Okay. So you have been here for 40 years?

9 A. Yes.

10 Q. In the Ashland area?

11 A. All in Ashland, yes.

12 Q. Okay. And you graduated from Southern Oregon  
13 University; is that right?

14 A. Yeah, well, at the time it was called Southern  
15 Oregon College. And I got my master's degree there in  
16 '72 or '73.

17 Q. What did you major in?

18 A. Creative writing and education.

19 Q. When did you begin your study of theology to  
20 become a rabbi?

21 A. I was a little older. It was like a second  
22 life career. I started studying when I was 40 years  
23 old, and ordained when I was 47. In 1995, I was  
24 ordained.

25 Q. Okay. And you are now associated with a

1 synagogue in Ashland?

2 A. Yes.

3 Q. Is there a name for that community?

4 A. Yes. It's called Havurah Shir Hadash or for  
5 short we call it Havurah Synagogue.

6 Q. And can you spell that, please.

7 A. Yes. H-A-V-U-R-A-H, Havurah Synagogue.

8 Q. How large a synagogue is that, sir?

9 A. We're a 150 family -- 150 members, some  
10 singles, some -- many families, congregation.

11 Q. Okay. Is the community -- strike that. Are  
12 you interested in what is commonly described as the  
13 ecumenical movement?

14 A. Yes. The movement that I belong to is called  
15 Jewish Renewal. And it's extremely ecumenical. One of  
16 our goals is to really help bridge differences between  
17 Judaism, Christianity, and Islam, in particular, but  
18 also Native Americans, Hindus, Buddhists, so very  
19 involved in the ecumenical movement.

20 Q. And have you been active in the Ashland  
21 community with respect to that ecumenical movement?

22 A. Yes. Ashland is a small city. It's a small  
23 university, 5000 students in a small town. But as much  
24 ecumenism as possible. I look for opportunities to work  
25 with brothers and sisters in different religious

1 communities.

2 Q. Now, is it fair to say that there are political  
3 dimensions to issues concerning Judaism, Israel, and so  
4 on, and if you could elaborate on that?

5 A. Absolutely. There are differences, there are  
6 political dimensions to my work with Christians,  
7 certainly with Muslims. And there is always political  
8 issues when it regards a country like Israel where there  
9 is so much political controversy.

10 Q. In general within that frame of reference do  
11 you have views on these issues?

12 A. Yes, I do. I'm a very active member of AIPAC.  
13 I'm a strong Zionist in support of --

14 Q. What is AIPAC?

15 A. AIPAC is the American Israel Political Action  
16 Committee. It's what we call the lobby group that  
17 lobbies on behalf of Israel in the United States.

18 Q. And so when you say you are -- I think you  
19 mentioned the term Zionist, what does that mean?

20 A. Well, Zionism basically is the -- you know, the  
21 right for Israel to be a nation like many other nations  
22 after the end of the Colonial period. So Zionism was  
23 the national movement for aspiration for Jewish people  
24 to return to their ancient homeland.

25 Q. And have you been active in discussions along

1 those lines?

2 A. I always am. I'm always interested in people  
3 who challenge Israel or who support Israel, and to do  
4 dialogue with mostly Christians and Muslims, certainly.

5 Q. Is it fair to say that within the context of  
6 those discussions, you have come across extremists on  
7 perhaps both sides of the issues?

8 A. Absolutely. Judaism is a small religion,  
9 13 million people. And since, of course, since I moved  
10 to Ashland 40 years ago, there have always been, for  
11 example, Christians, who are my friends, who believe  
12 that I should convert to Christianity. And there's  
13 certainly been -- I've talked to Muslims who have views  
14 that very much differ from my own views about Israel and  
15 other political issues.

16 Q. Have you ever had occasion to meet with  
17 somebody who you would regard as an extremist on the --  
18 say the Palestinian or Muslim side of that debate?

19 A. Yes. In 1988, I had the privilege of being  
20 with a Jewish group that went to Israel and actually  
21 went to Gaza and met with the head of a terrorist  
22 organization called Hamas, Ahmad Yasin, who was the  
23 spiritual leader of that organization. And a delegation  
24 of Jewish leaders met with him and we were trying to  
25 dialogue -- I don't think I can't say convince him -- to

1 stop terrorism, but we were trying to dialogue and  
2 understand what makes someone so angry that they would  
3 commit acts of violence.

4 Q. So you have met face to face with somebody that  
5 you would regard as an extremist on the Palestinian or  
6 Muslim side --

7 A. Absolutely.

8 Q. -- on the issue --

9 A. I've met with Palestinian -- in particular  
10 Palestinian extremists, Islamic extremists, that are --  
11 that advocate violence.

12 Q. And in that context, you've had specific  
13 discussions about these tinderbox issues?

14 A. Absolutely. The right for Israel to exist, for  
15 example, which is a very core value of the United  
16 States, certainly of mine, is -- I'm very sensitive to  
17 it.

18 Q. Is it fair for me to understand that as a rabbi  
19 you have frequent occasion to counsel people within your  
20 congregation?

21 A. Of course, yes.

22 Q. So you've had a lot of human experience as  
23 well?

24 A. A lot of what, sir?

25 Q. Experience with the human conditions as --

1           A.       Oh, human experience, yes. Yeah, part of the  
2 work of a rabbi is to be a spiritual counselor.

3           Q.       Now, how is it that you came to know Pete Seda?

4           A.       Ashland is a small city, and in the -- when I  
5 started studying around -- I started studying to be a  
6 rabbi in 1988, 1989. And around that period of time,  
7 Pete started coming to our synagogue. The previous  
8 rabbi who started the community that I'm now the rabbi  
9 of, Pete would come around and wanted just to learn  
10 about Judaism and the Jewish people. And would come,  
11 actually, to worship service, to our Shabbat, our  
12 Saturday services.

13          Q.       Was Pete fairly well known in the Ashland  
14 community?

15          A.       He was. He was really a highly respected  
16 arborist and his work with trees is well known, and --

17          Q.       Any other context?

18          A.       Being in a small town around that period of  
19 time, there was certainly political issues, you know,  
20 where Pete could come out on behalf of peace, on behalf  
21 of goodwill between people.

22          Q.       Can you give us some examples of that?

23          A.       Whenever --

24                   MR. GORDER: Objection. Your Honor?

25 Objection.



1 MR. CASEY: Hold on.

2 MR. GORDER: I think under 405, specific  
3 instances of --

4 THE COURT: He can talk about the general  
5 reputation, Counsel.

6 BY MR. CASEY:

7 Q. Sir, did you have occasion to visit the prayer  
8 house that Pete Seda was associated with?

9 A. Do you mean the mosque that was the tent in  
10 Ashland?

11 Q. The mosque.

12 A. Yes. Sure. Absolutely. Yeah, it was very  
13 famous in town.

14 Q. Under what occasions -- under what  
15 circumstances?

16 A. Well, both as a colleague, I might say to Pete,  
17 we'd go to the mosque or go to his house and have a cup  
18 of tea and just talk about political issues, things we  
19 disagreed or agreed about.

20 But certainly I remember one Sunday morning, we  
21 have a Hebrew school, and we brought our kids. He had a  
22 camel, and it was sort of a -- kind of a famous mosque  
23 because it was a tent and he had a camel there. And so  
24 we brought our kids there to learn about Islam. And he  
25 had a guest speaker, I can't remember the fellow's name,

1 who talked about Islam to our kids so they would learn  
2 and have a direct experience with another religion  
3 rather than just reading about it in a book.

4 Q. Have you had occasion personally to speak with  
5 Pete about his views of the Islamic religion?

6 A. Many times. We talked about our differences,  
7 our commonalties. The differences between Judaism and  
8 Islam, what we had in common. I remember one time,  
9 there was a tree in my backyard that broke. And one  
10 tree fell down. He came to my yard as an arborist. And  
11 he said this is like the Jewish and Muslim people.  
12 We're really one tree and it shouldn't have broken. So  
13 we would talk anecdotally on a personal level like that.

14 Q. And where would he fit on the spectrum, say,  
15 from conservative to liberal or whatever?

16 A. Well, you know, there's different ways of  
17 looking at it. In other words, on a theological level,  
18 I believe, it may be a wrong characterization, but Pete  
19 is probably more what we call orthodox or more  
20 conservative on his spiritual practice than I am. I'm  
21 more in the middle. So -- I'm not using this term  
22 politically. But I would be more liberal in terms of my  
23 practice and he would be more conservative in terms of  
24 his religious practice.

25 On a political level, I always felt we were

1 very similar. We believed in the rights of all people  
2 to have their own land, and for Israel to exist, and for  
3 people to live in harmony together. So I would say  
4 we're both kind of -- I don't know what to call it --  
5 centrists or kind of balanced political positions. I  
6 never thought of him as a democrat or conservative or  
7 one way or the other.

8 Q. Was he personally engaged in the interfaith  
9 community in Ashland?

10 A. Yes, I think he was --

11 Q. What does that mean, if you would --

12 A. I would say in a small city in the size of  
13 Ashland, approximately 20,000 people, Pete -- you know,  
14 sometimes we represent more than we want to do. I'm one  
15 of the go-to people when people have questions about  
16 Judaism. He certainly was the go-to person when people  
17 had questions about Islam.

18 So -- and any kind of event that would occur, a  
19 negative event, a terrorist attack, or whether it was a  
20 positive thing like some kind of peace ideal of people  
21 coming together, Pete was the go-to person.

22 So he was often in the newspapers, you know,  
23 representing a moderate, balanced, healthy American  
24 positions about how people should live pluralistically.

25 Q. Was he respectful with respect to other

1 people's religions and political persuasions?

2 A. Absolutely. I would say more than respectful.  
3 I would say he was ecumenical in the sense of pluralism  
4 and really promoting the pluralistic ideal of the United  
5 States or what I believe in as well.

6 Q. Did you and Pete ever have occasion to speak  
7 about the ongoing Israeli-Palestinian conflict?

8 A. Many times.

9 Q. And?

10 A. I would say, for example, that's one of -- to  
11 me as a rabbi, it's where the rubber hits the road in my  
12 relationship with Muslims, where do you stand on Israel?  
13 Can you accept a two-state solution?

14 MR. GORDER: Your Honor, I think we're getting  
15 beyond --

16 THE COURT: Sustained.

17 BY MR. CASEY:

18 Q. Did you ever have occasion to see Pete or be  
19 with Pete when he was attending and participating in a  
20 discussion with the Israeli Consul General?

21 A. Yes. In my synagogue we hosted the Consul  
22 General of Israel on several occasions. And he had the  
23 privilege of sitting and having lunch with the Consul  
24 General of Israel after 9/11, maybe it was 2002, the  
25 Consul General from the San Francisco office.

1 Q. What was the subject of discussion?

2 MR. GORDER: I'm going to object, Your Honor.

3 THE COURT: Sustained.

4 BY MR. CASEY:

5 Q. Do you know if Pete's -- any efforts by Pete to  
6 engage in acts of charity?

7 A. Yes. From what I understand, he was -- I mean,  
8 he was definitely charitable in local affairs where  
9 people had need. Not only -- professionally he often  
10 donated his services as an arborist, you know, to  
11 various groups if they needed it, or if an individual --  
12 if an individual was poor but needed work. And,  
13 certainly, I know as a Muslim, we shared -- Judaism,  
14 sadaka, and Islam charity are core parts of our  
15 religious traditions. So I know he was involved in  
16 charitable giving.

17 Q. Are you familiar with any efforts on his  
18 part -- on Pete's part to deliver aid to victims of the  
19 Palestinian conflict?

20 MR. GORDER: Objection, Your Honor.

21 THE COURT: Sustained.

22 BY MR. CASEY:

23 Q. Are you aware of any efforts by Pete to deliver  
24 aid to anyone?

25 A. In -- after --

1 MR. GORDER: Objection, Your Honor.

2 THE COURT: Overruled.

3 THE WITNESS: After 9/11, Pete came to me with  
4 a wild idea, which was to deliver aid to the  
5 Palestinians. He wanted to go to Israel and buy goods  
6 and rent trucks and have Jewish drivers driving to the  
7 West Bank. And he -- it was a pretty wild idea. And  
8 that's when he went to Israel, he was going to try to do  
9 that. And he spoke with the Consul General, in fact,  
10 about doing that, and publicly stated that he wanted to  
11 deliver this large amount of money to do charitable aid  
12 in Israel with Palestinians bringing people together.

13 It was a pretty wild idea because there was an  
14 intifada, there was a war going on. So at that time,  
15 even the Consul General says I don't know if he can get  
16 away with this. But he definitely said to me in public  
17 that he really wanted to do this big charitable aid with  
18 a lot of money.

19 Q. Are you familiar with a piece of literature  
20 known as "Islam Is"?

21 A. I am, yes.

22 Q. What is it?

23 MR. GORDER: Objection, Your Honor.

24 THE COURT: Sustained.

25 BY MR. CASEY:

1 Q. Are you familiar with any efforts by Pete to  
2 produce literature that discusses his views of the  
3 Islamic faith?

4 A. Yes.

5 MR. GORDER: Objection.

6 THE COURT: Counsel, I sustained the objection.

7 MR. CASEY: Thank you, Your Honor.

8 BY MR. CASEY:

9 Q. Have you -- I think you testified that you had  
10 occasion to visit the mosque in Ashland?

11 A. Yes.

12 Q. And you called it a tent --

13 A. Yes.

14 Q. -- right? And has Pete ever had occasion to  
15 visit your synagogue?

16 A. Yes, many times. In 2001, we built a new  
17 sanctuary. And we had a minister, a Native American,  
18 Hindu speaker, and he was representing Islam, and gave  
19 blessings to our synagogue in a very -- kind of a large  
20 dedication ceremony.

21 Q. And did you specifically invite him there for  
22 that purpose?

23 A. Specifically invited Pete, of all people, in  
24 his ecumenical efforts and outreach efforts, because  
25 he's known in a small town as being the person who would

1 do outreach to people of other faiths, to bring people  
2 together.

3 Q. Have you ever seen or heard Pete do or say  
4 anything that would suggest he was involved in or  
5 supported a militant view of Islam?

6 A. I would say the exact opposite. Over my  
7 experience in being as sensitive as I can be, because I  
8 am very much supportive of our government's policy  
9 against terrorism from George W. Bush to President  
10 Obama, the very opposite, that I feel I have good  
11 antennae for somebody who supports real peace and  
12 ecumenism.

13 Maybe I didn't answer that. So the answer is  
14 no, I never heard him say anything that would support  
15 any kind militarism in any way whatsoever, but the very  
16 opposite, supporting peace, supporting Israel, people  
17 living together well.

18 Q. You have come to learn, have you not, that the  
19 association with which Pete was affiliated, the Qur'an  
20 Foundation, distributed Qur'ans to prisons?

21 A. Yes.

22 Q. And you have come to learn that some of those  
23 Qur'ans have attached to it an appendix or a -- and  
24 maybe another attachment that had some anti-Semitic  
25 excerpts in it?



1           A.       Yes, absolutely.

2           Q.       And having come to learn that, does that  
3 suggest to you or change your view concerning whether  
4 Pete was inclined to support either anti-Semitic or  
5 terrorist or violent groups?

6           A.       It wouldn't change my mind at all, because I  
7 knew there was a lot of material coming out of Saudi  
8 Arabia that had anti-Zionist, anti-Israel, comments  
9 about America that appalled me, or that I very much  
10 disagree with on a political level, but you have to  
11 judge things by individuals.

12                   The individual Pete Seda that I knew and  
13 experienced as a coworker in Ashland for my period of  
14 time working with him over ten years suggested the very  
15 opposite, that this man did not support anything like  
16 what I would call terrorism or anti-Semitism or  
17 anti-American sentiment.

18                   So even though there might have been literature  
19 there, and there was literature that I disagreed with  
20 theologically, Pete and I would have good discussions  
21 about differences between Islam and Judaism. We  
22 disagreed theologically. But I felt they were healthy  
23 debates and healthy disagreements as opposed to me  
24 thinking that he was negative about ecumenism or peace  
25 or America.

1 MR. CASEY: Thank you, Rabbi. I have nothing  
2 further.

3 CROSS-EXAMINATION

4 BY MR. GORDER:

5 Q. Good morning, Rabbi.

6 A. Good morning.

7 Q. Did you ever meet Pete's wife, Sofia?

8 A. Yes, I did. I believe that this is the -- his  
9 wife that I knew, I think I did, yes.

10 Q. Spoke Russian?

11 A. I -- you know something, I'm not certain,  
12 Because part of the time -- she was a Jewish woman who  
13 came out of the operation Exodus where our community  
14 was -- raised a lot of money to bring Russian Jews both  
15 to Israel and to the United States. So I'm not sure if  
16 she was from Azerbaijan or from Russia, but I knew she  
17 was from that region, and I'm sorry for my ignorance on  
18 it.

19 Q. Wouldn't surprise you if she spoke Russian --

20 A. It would not surprise me --

21 Q. -- coming from that region --

22 A. -- if she spoke Russian, no. I thought she was  
23 from Azerbaijan and so I'm sorry, I don't know the  
24 linguistic differences.

25 Q. Have you heard of the Islamic Army of the

1     Caucasus?

2           A.       If you mean the Chechen rebels -- what they  
3     call --

4           Q.       Chechen foreign mujahideen.

5           A.       Yes.

6           Q.       Would it surprise you that Sofia was  
7     translating Russian -- or English into Russian for their  
8     official Web site?

9           A.       Yes, it would surprise me, yeah.

10          Q.       You didn't know that?

11          A.       No, I didn't know that. I do know that  
12     historically -- because I'm also a friend of I believe  
13     one of your witnesses, Daveed Gartenstein-Ross, that the  
14     Chechen rebels of the early '90s were a different group  
15     than the Chechnyans of the early 2000s, and that there  
16     was a legitimate freedom fighting aspect to the rebels  
17     in the '90s but then they shifted to Islamic extremism.

18          Q.       If this was a translation in the year 2000,  
19     would that disturb you?

20          A.       Well, it depends. Translation of what? So be  
21     very specific. In other words, if she's translating  
22     something from -- you know, passages of the Qur'an into  
23     Russian or -- no, it wouldn't disturb me. It would  
24     depend what she's translating.

25          Q.       How about propaganda from the Chechen

1 mujahideen?

2 A. Well, again, if you mean by propaganda anything  
3 anti-Israel, or anti-American, or anti-peace, or  
4 anti-pluralism, and anti-plural, yeah, that would  
5 disturb me.

6 But if she's just translating passages from  
7 Dostoevsky or from Walt Whitman, you know, people do  
8 things and they work for employers and it's not  
9 necessarily all bad, even if they work for an employee  
10 that you and I would agree is not a good employer.

11 Q. In any case you didn't know anything about it?

12 A. No, I knew nothing about it.

13 Q. Did you ever go to the Friday services at the  
14 mosque after al-Haramain got involved with it?

15 A. No, I didn't, no.

16 Q. Did Mr. Seda ever introduce you to Ahmed Ezzat?

17 A. Not that I remember, no.

18 Q. An official from al-Haramain in Saudi Arabia?

19 A. I don't recall.

20 Q. Rabbi, what's the -- can you give us a one  
21 paragraph description of the Talmud?

22 A. The Talmud is what we would call the  
23 interpretative commentary of the Bible. So we're not  
24 literalists in Judaism. We take the Bible and then we  
25 have commentary on the Bible, and then we have

1 commentary on the commentary, and commentary on the  
2 commentary, so we like to comment. So the Talmud is a  
3 collection of comments on our comments.

4 Q. Now, have you heard that anyone preached at the  
5 mosque that the Talmud was the Jews' plan to ruin the  
6 world?

7 A. Never heard that. It would disturb me. It  
8 disturbs me to hear you ask that question. It's a  
9 horrible thing to say, but I didn't know that was  
10 preached there.

11 Q. Have you heard that Mr. Seda asked the speaker  
12 to speak up so the sisters could hear him?

13 MR. CASEY: Your Honor, I object. This is --

14 THE COURT: Sustained.

15 THE WITNESS: I would have to say that I --

16 MR. GORDER: Excuse me, the question was  
17 sustained.

18 THE WITNESS: Pardon me. I understand. Sorry.  
19 Sorry, Your Honor.

20 THE COURT: That's all right.

21 BY MR. GORDER:

22 Q. Does your synagogue -- and forgive me, I'm not  
23 going to try to pronounce the name --

24 A. Havurah.

25 Q. Does it have a Web site?

1 A. Yes.

2 Q. And I take it that it's fair to say that the  
3 folks in your temple are generally pro-Israeli?

4 A. Yeah, absolutely, yes.

5 Q. Do you have any prayers on your Web site asking  
6 Israeli sold -- or God to direct the shots of Israeli  
7 soldiers?

8 MR. CASEY: Your Honor, I object. We're not  
9 talking --

10 THE COURT: No, no, no speeches. Sustained.

11 MR. CASEY: I understand. Thank you.

12 BY MR. GORDER:

13 Q. You were familiar with Mr. Seda's prisoner  
14 project?

15 A. Moderately familiar.

16 Q. You talked a little bit --

17 A. Yeah.

18 Q. -- about the Qur'an with the call to jihad that  
19 went to prisoners in the United States?

20 A. Oh, you mean the additions of the Qur'an that  
21 had anti-Semitic or anti-Israeli, yes, I've heard about  
22 those, yes.

23 Q. How about this book, *Islam Guidelines*?

24 A. Never saw it.

25 Q. Never saw it. Mr. Seda never showed it you?

1           A.       What Pete showed me was a small booklet, he  
2       asked me to check it out, to see what I felt about it  
3       where you have statements about Christianity and Judaism  
4       in it called "Islam Is." And I had the chance of  
5       editing it because I was very disturbed by some of the  
6       comments about Judaism in it. And I really felt he was  
7       being sensitive to me in moderating some of the language  
8       that I felt would be offensive to Jewish readers.

9           Q.       So you didn't see this book?

10          A.       Never saw that book.

11                 MR. GORDER: Your Honor, could we have DGR-2A  
12       brought up, not in front of the jury.

13       BY MR. GORDER:

14          Q.       Did you know, Rabbi, that this book was sent to  
15       about a thousand prisoners in the United States?

16          A.       No, I did not.

17          Q.       *Islamic Guidelines?*

18          A.       No.

19          Q.       I'd like to direct your attention to a  
20       particular part on page 35. Do you see that?

21          A.       Yes, I do.

22          Q.       "Whoever apostatizes from Islam should be  
23       killed"?

24          A.       Yes.

25          Q.       "Assisting the Jews, the Christians, or the

1 Communists against Muslims"?

2 A. Yes, I see it.

3 Q. Does that disturb you?

4 A. Yeah. That's disgusting. It's horrible.

5 Horrible commentary, and terrible theology, and bad  
6 interpretation.

7 Q. Does that affect your opinion of Mr. Seda?

8 A. It doesn't, because if Mr. Seda said that, if  
9 Pete had said that, over a period of time or had written  
10 it, yes, it would affect my opinion of him. The fact  
11 that it was in a piece of literature that he might have  
12 distributed, I would have as a friend challenged him,  
13 how could you distribute that kind of literature?

14 But it doesn't mean a good person can't  
15 distribute bad literature or that has bad comments in  
16 it. So I would have debated that with Pete, but it  
17 doesn't affect my opinion of him, because my opinion is  
18 based upon what I saw over a decade period of time in  
19 his public declarations.

20 And I think I've got the sensitivity to know  
21 when someone's being duplicitous. I could be wrong. I  
22 certainly could be wrong.

23 Q. Okay. Let's take a look at page 108. "Teach  
24 your children the love of justice and revenge from the  
25 unjust like the Jews and tyrants"?



1 A. Terrible, yeah.

2 MR. CASEY: Your Honor, I object to him reading  
3 from this. I don't believe this document --

4 THE COURT: Overruled.

5 MR. CASEY: -- is in evidence.

6 BY MR. GORDER:

7 Q. How about page 167, "the last hour will not  
8 appear unless the Muslims fight the Jews and kill them"?

9 A. Obviously, it's racist, it's anti-Semitic, it's  
10 bigoted. I have no idea whether Pete could have known  
11 that it's in there or not, I have to say that. I'd be  
12 disappointed to know if he knew that specifically was in  
13 there. And I can't believe personally -- I could be  
14 wrong, as I said -- that he would have distributed that  
15 knowing that's in there because of -- like I said, all  
16 I'm here to do is to testify as a character witness to  
17 what I've seen and observed over a decade long period of  
18 time in his ecumenism.

19 Why would he come to a synagogue? Why would he  
20 sit with the Consul General of Israel? Why would he  
21 declare publicly for the two-state solution? Why would  
22 he declare, publicly sit with a Zionist like me, and  
23 publicly declare of the right of Israel to exist, and to  
24 believe this kind of racist nonsense?

25 Q. But in the ten years that you knew him, you

1 never talked to him about this book?

2 A. I have never seen that book and never talked to  
3 him about it.

4 MR. GORDER: No further questions, Your Honor.

5 MR. CASEY: Just quickly, Your Honor.

6 REDIRECT EXAMINATION

7 BY MR. CASEY:

8 Q. I assume as an ordained rabbi you've had  
9 occasion to read the Bible from time to time?

10 A. Yes, occasionally.

11 Q. Old Testament and New Testament?

12 A. We don't call it that, but, yes, we call it the  
13 Bible.

14 Q. And are you familiar, sir, might there be any  
15 excerpts that one could take from the Bible, both Old  
16 and New Testaments, that had a violent calling to it,  
17 that had a terroristic quality to it, that discussed  
18 murder, mayhem, rapes, burnings for apostates,  
19 et cetera? Are there many such references in the Bible,  
20 sir?

21 A. There are. If you are a literalist, if you  
22 take things -- that's what the Talmud is all about is  
23 trying to do interpretation on literalism. So there are  
24 literalistic passages about wars in the context of  
25 3000 years ago that you read about today in the Jewish

1 scriptures or in the Christian scriptures, they're very  
2 disturbing, and that's what interpretation is about all.

3 Q. And I assume in the performance of your duties,  
4 you've had occasion to perhaps distribute the Bible or  
5 to make it available to members of your congregation?

6 A. Absolutely, yes.

7 Q. And before you did that, did you take the pains  
8 to delete every such reference from the Bible before you  
9 discussed the Bible or made it available to or  
10 distributed to your congregation?

11 A. Well, I want to be honest with you, there's a  
12 big difference between the Bible and the commentary.  
13 Any Bible that would have a commentary, I would never  
14 distribute a Bible with commentary that would be bigoted  
15 against anybody.

16 The Bible itself has passages that are  
17 controversial. The Qur'an has passages that are  
18 controversial. The New Testament is -- it's the  
19 commentary we're speaking about.

20 Q. Well, I'm speaking about the Bible itself.

21 A. Right.

22 Q. Not the commentary.

23 A. Right.

24 Q. There are, as I understand it, and correct me  
25 if I'm wrong, many references in the Bible to violence,

1 et cetera?

2 A. Yes.

3 Q. Right?

4 A. There are, in a literalist level.

5 Q. And before you distributed the Bible to your  
6 congregation, or discussed the Bible, or made it  
7 available to your congregation, did you take the pains  
8 to go through and extricate, to delete, any such  
9 reference from the Bible?

10 A. No, of course not. That's the whole purpose of  
11 discussion and dialogue within my community.

12 MR. CASEY: I have nothing further, Your Honor.

13 MR. GORDER: Nothing further. Move the  
14 admission of DGR-2A.

15 MR. WAX: We would object, Your Honor.

16 THE COURT: I'll take it up later.

17 The next witness, please.

18 THE WITNESS: Thank you.

19 MR. WAX: Call Colonel Patrick Lang.

20 MR. CASEY: Your Honor, may this witness be  
21 excused?

22 THE COURT: Yes.

23 THE CLERK: Please raise your right hand.

24 (The witness was sworn.)

25 THE CLERK: Please have a seat. Please speak

1 into the microphone here. And there is water if you  
2 would like.

3 Please state your name and spell your name for  
4 the record.

5 THE WITNESS: Walter Patrick Lang, Jr.

6 DIRECT EXAMINATION

7 BY MR. WAX:

8 Q. Good morning. You are a retired colonel from  
9 the United States Army?

10 A. Yes, I am.

11 Q. Colonel Lang, could you please start by telling  
12 the members of the jury a little bit about your  
13 background. Why don't we start with where are you  
14 currently residing?

15 A. I reside in Alexandria, Virginia, about ten  
16 miles from Washington, D.C.

17 Q. Could you tell us, please, your educational  
18 background, where did you go to college? Let's start  
19 there.

20 A. I graduated from the Virginia Military  
21 Institute in 1962 with a BA in English. And from the  
22 University of Utah, 14 years later, with a master of  
23 arts degree in Middle East studies and Arab literature.

24 Q. Can you tell us, please, a little bit more  
25 about your -- about the master's degree, and what you

1 learned and what, if any, proficiency you developed in  
2 Arabic?

3 A. Well, I was sent there by the United States  
4 Army. I had volunteered after the Vietnam War for an  
5 Army specialty program for officers for various parts of  
6 the world. And I tried to be a Chinese specialist, but  
7 there weren't any vacancies that year, so they made me a  
8 specialist in the Arab world because I had a very high  
9 ability to learn foreign languages by test.

10 And so they sent me to language school, and  
11 then to the University of Utah where they had a -- quite  
12 a strong Middle East study center. And I prepared there  
13 for -- at the Army's direction -- for a career in which  
14 I would serve in various parts of the Arab world as  
15 military attaché, or, dare I say, an intelligence  
16 officer or a high level staff officer in Washington or  
17 some major headquarters, or commander of a unit deployed  
18 in the Middle East.

19 Q. Did you become fluent in Arabic?

20 A. Yes, I did. At the -- at the language school  
21 in Monterey, California, Defense Language School, at the  
22 end of the year, I was tested, and I got a perfect score  
23 in Arabic, written, spoken Arabic.

24 And unbeknownst to me, when I was at Utah where  
25 I was brought into the Phi Kappa Phi, which is an

1 international honors society, my -- the fact that I also  
2 had a transcript that was a 4.0 out of 4, attracted the  
3 attention of the United States Military Academy, which  
4 caused me to be ordered to West Point as -- to be the  
5 professor of the Arabic language in the Middle East  
6 studies. I started the program there.

7 Q. And what year was that, sir?

8 A. It was the year of the tall ship, so it was  
9 1976.

10 Q. When you say you started the program, could you  
11 tell the members of the jury, please, what program it is  
12 that you started.

13 A. Well, the -- at West Point, there is a great  
14 deal of core curriculum in the four-year program for  
15 cadets to become army officers and receive a bachelor's  
16 degree, and they are required to take at least two years  
17 of some foreign language. There is seven or eight  
18 offered. So they added this one to the curriculum.

19 And so I had a lot of students who wanted to  
20 take Arabic. Some of them took two years of it. Some  
21 of them concentrated in it, took seven or eight courses,  
22 some of them in spoken Arabic, some in written Arabic,  
23 Arab literature, how to read newspapers, all that kind  
24 of business.

25 Q. Did you receive any awards for your teaching?

1       A.       Yeah. I was twice selected as the best  
2       classroom teacher of the year for the -- all of the  
3       military academy at West Point. And I was elected a  
4       member of the faculty senate. And I was asked to stay  
5       permanently, but decided that I hadn't joined the Army  
6       to be a school teacher, so I moved on.

7       Q.       Let's go back now, if we could, please, sir, to  
8       the beginning of your career. You graduated from  
9       college from VMI in 1962. Did you go from the  
10      institution to the U.S. military?

11      A.       The day I graduated, yeah, I was sworn in as a  
12      lieutenant in the Army the day I graduated from VMI, and  
13      I went immediately on active duty as an officer of the  
14      infantry, served there for several years in an infantry  
15      battalion.

16              And then I was asked if I would transfer to  
17      Special Forces to the Green Berets, once again because  
18      of my language ability, I think. And I did that. And  
19      so I went to language school.

20              And I was in South America chasing the Cubans  
21      and their Marxist Indian friends around the mountains  
22      for several years. And then came back to the States and  
23      went to -- while I was there, I changed my arm of  
24      service to military intelligence. So I went through  
25      several schools, and then went to Vietnam for the first



1 time.

2 Q. When you say you changed your focus or -- I'm  
3 not quite sure of the phrase you used, but --

4 A. My arm of service.

5 Q. -- your military --

6 A. My arm of service.

7 Q. Arm of service, thank you, sir. If you could  
8 slow down just a tad, perhaps, and keep your voice up,  
9 I'm having a little difficulty hearing some of it.

10 Did your career, then, from that point in the  
11 mid '60s on involve intelligence work?

12 A. All the rest of my time in the Army and then in  
13 the Civil Service as a member of the senior executive  
14 service thereafter, yes.

15 Q. Can you tell us, please, sir, did you serve in  
16 Vietnam?

17 A. Two one-year tours.

18 Q. And in what capacity were you serving? And  
19 just generally, what, if any, aspect involved  
20 intelligence work?

21 A. Well, it was all involving intelligence work.  
22 I commanded a military intelligence detachment on the  
23 border with Cambodia north of Saigon for a year. I had  
24 little teams in five or six surrounded locations. We  
25 were servicing the needs of the Army in the field in an

1 operational business there. That's the first year.

2 Then after I came back to the States and went  
3 back a couple years later, after I had been to Germany  
4 and Turkey, I went to -- I went back and I was in a  
5 strategic level ground reconnaissance organization  
6 called the Studies and Observation Group, and -- for the  
7 second year I was there.

8 Q. Can you tell us, please, what the phrase  
9 strategic level ground reconnaissance means in lay  
10 terms.

11 A. Well, we did ground reconnaissance in Laos and  
12 Cambodia against the enemy's lines of communication.

13 Q. After completing your duty in Vietnam, I  
14 believe you told us that you had a number of other  
15 postings, then to Utah, to West Point. So if we could  
16 now get to the point when you said you turned down the  
17 offer of a permanent position at the military academy,  
18 what was your posting? What did you get into?

19 A. Well, I left there, and I went to be the  
20 Defense and Army attaché in the U.S. Embassy in North  
21 Yemen in the southwestern corner of the Arabian  
22 Peninsula. There were then two Yemens. Now there's one  
23 Yemen.

24 And that was a very interesting job. I was the  
25 principal military staff officer in the Embassy. And

1 I -- there was a big war going on in the country against  
2 communist guerrillas led from South Yemen. And I stayed  
3 there for a couple of years and covered that, reporting  
4 on that, and it was a very interesting job.

5 Then I came back to the States --

6 Q. Well, before coming back to the States, as the  
7 attaché in the embassy, doing intelligence work,  
8 without, of course, going into anything classified, can  
9 you give us a general idea of the types of work you did  
10 and interactions with Yemenis or Saudis and exposure to  
11 the culture of the Arabian Peninsula.

12 A. Well, because I spoke Arabic quite well, in  
13 fact, I was -- I spent a lot of time representing the  
14 ambassador in interacting with the various circles of  
15 the Yemen government, business circles in the country,  
16 tribal leaders, I spent a good deal of time going to  
17 Islamic mosques to talk to the imams there to understand  
18 their point of view with regard to what was going on in  
19 the country, and I studied a great deal about Islamic  
20 religion and culture anyway in graduate school, and I  
21 continued to study that all the time I was there. It  
22 was a very active situation, indeed, because there was  
23 so much to do.

24 And hardly anybody in the country could speak  
25 any English. They all either spoke Arabic or Russian

1 because there was a large Russian presence in the  
2 country.

3 Q. After the posting in Yemen, you started to say  
4 that you returned to the States. What was your posting  
5 when you came back?

6 A. Well, I was put -- at the Defense Intelligence  
7 Agency, I was made the administrator and staff chief for  
8 all of the military attaché stations in the Middle East  
9 and north Africa. I was responsible for their  
10 recruitment, their training, their logistics, making  
11 sure they were doing the right things. I did that --  
12 there were about 12 or 13 of those. It kept me busy.  
13 And then I -- then I was selected to go overseas again  
14 to be Defense attaché in another country, this time  
15 Saudi Arabia.

16 Q. Before describing your experience in Saudi  
17 Arabia itself, what can you tell us about the Defense  
18 Intelligence Agency, what it is, and/or what it was?

19 A. Well, it's much the same thing today that it  
20 was then. This -- there are several large national  
21 agencies in the intelligence community of the United  
22 States. There is the Central Intelligence Agency.  
23 There is the Defense Intelligence Agency, which is a --  
24 the equivalent organization within the Department of  
25 Defense. There is -- the State Department has a large

1 organization. There is a National Security Agency. And  
2 then each of the military services has intelligence  
3 functions as well.

4 And it's the same today except it's a lot  
5 larger because of the war against terror. There has  
6 been a lot more money, and so there has been expansion,  
7 and that's what it does, it collects information, it  
8 analyzes the information, produces reports, participates  
9 in the planning for contingency operations overseas or  
10 active operations overseas by the Armed Forces, and  
11 participates in the national debate as to what the  
12 United States government thinks is the truth about  
13 various major issues that become codified, if you want  
14 to call it, of national intelligence estimates. And  
15 those become the ground truth for the United States on  
16 major issues of being. And that's what DIA is.

17 Q. Into Saudi Arabia, then. Your role there was  
18 similar to the role you had in Yemen or was it  
19 different?

20 A. Well, it was similar, but it's a much bigger  
21 place. The embassy was about ten times as big. I had  
22 an airplane. I had about 8 or 10 officers and a lot of  
23 people working for me.

24 And the -- Saudi Arabia was the major ally of  
25 the United States in the Middle East, so I as -- I had

1 the rank of counselor of embassy for military affairs in  
2 the diplomatic service, so I had to interact all the  
3 time with various parts of the Saudi government, the  
4 diplomatic parts, the military parts, all kinds of  
5 different parts of the government.

6 And, once again, because my Arabic was really  
7 pretty good, I was often taken along to help people  
8 along who had to talk to somebody who couldn't speak  
9 English very well. And some that I -- you know, it was  
10 a major -- it was a big job and I did it.

11 I also was the representative person for  
12 several of the small countries in the Persian Gulf,  
13 although I wasn't a resident there. Sometimes you don't  
14 have enough people to have a resident diplomat in every  
15 one of these place. So I did that for another three  
16 years.

17 Q. You learned --

18 A. While I was there, I was promoted to full  
19 colonel.

20 Q. Thank you, sir. In your years there, did you  
21 come to learn more about Saudi culture, the religion of  
22 Islam as it's practiced in Saudi Arabia? Let's just  
23 start with those two.

24 A. Yes. I mean, I understood that I was supposed  
25 to be a career specialist in understanding what the

1   Arabs were about. That was my job in the Army at that  
2   point. And just as the people who were specialists in  
3   the Soviet Union were supposed to understand what the  
4   Russians and all these other people were about. So I  
5   made it my business to spend a lot of time with the  
6   Saudis and people in the -- particularly in the  
7   religious establishment, because Saudi Arabia is really  
8   a theocracy. It's a theocracy which is more or less the  
9   property of a particular family or maybe two families.  
10   And in order to understand how they function, the way  
11   they behave, and what their internal rules are, you have  
12   to spend a great deal of time with them. My job  
13   required me to do that anyway. So I did that. I  
14   spent -- I was busy a lot over there.

15       Q.     And you were interacting on a regular, if not  
16   daily, basis with various members of the Saudi  
17   government?

18       A.     Oh, yes, everyday.

19       Q.     The Saudi intelligence establishment?

20       A.     Yes, both military and civil.

21       Q.     And with Saudi businessmen?

22       A.     All the time. There are a great many really  
23   large business establishments in Saudi Arabia. Often  
24   they have large numbers of foreign ex-patriot experts to  
25   help them with things that they can't handle themselves,

1     like accounting, business law, business development,  
2     technical processes. These people are useful to me so I  
3     could understand what was going on in the economy.

4           Q.     You came back in the mid '90s. Was there any  
5     placement back in a learning college setting?

6           A.     Well, me?

7           Q.     Yes. You.

8           A.     I was very lucky in that I was selected to be a  
9     student at the U.S. Army War College in Carlisle,  
10    Pennsylvania. This is an extremely competitive  
11    selection. And you don't apply for it. They pick you  
12    or they don't. Same things for a promotion. And I went  
13    there for a year, and continued to -- when I wasn't  
14    doing core curriculum things there, I continued to work  
15    on my skills and knowledge with regard to Middle East  
16    and Islam, and Arab politics, things like that.

17          Q.     The U.S. Army War College is what, sir? Can  
18    you just briefly tell us what it is?

19          A.     Well, it is the senior most service school for  
20    a career U.S. Army officer. The selection rate is 2  
21    percent of all those who are eligible. And it's a year  
22    long course. And it is a required thing to be qualified  
23    to be promoted to brigadier general if you are going to  
24    be promoted to brigadier general, which I was not.

25                 So I spent a year there. And at the end of



1     that year, I was -- I got a very nice phone call -- oh,  
2     while I was there, I was selected to command a brigade  
3     in the military intelligence business, but then I was  
4     told that I was too highly skilled a specialist to be  
5     allowed to do that, so I would have to do something  
6     else. And then I got a nice phone call from the  
7     director of the Defense Intelligence Agency, which he  
8     offered me a very good job. He --

9         Q.     What was the --

10        A.     -- asked (answer not heard).

11           THE REPORTER: I'm sorry, what was the end?

12           THE WITNESS: The director of the Defense  
13     Intelligence Agency called me up and asked me to take a  
14     particular job.

15           THE REPORTER: Not that.

16           THE WITNESS: Is that what you need?

17     BY MR. WAX:

18         Q.     Colonel, I'm going to ask you to slow down a  
19     little bit again, please. The court reporter --

20         A.     I'm sorry. I'm not aware that I'm speaking  
21     fast.

22         Q.     Some of the rest of us are, so.

23         A.     Well, what was the job?

24         Q.     Yes, please.

25         A.     The job title was to be the Defense

1 Intelligence officer for the Middle East and South Asia.  
2 And in this capacity, I would be the direct principal  
3 assistant to the director of the Defense Intelligence  
4 Agency, a lieutenant general, responsible for all the  
5 work that the agency did with regard to the Middle East  
6 and South Asia. I held that job for seven years.

7 Q. Holding that job for seven years means that you  
8 served under a number of different Secretaries of  
9 Defense or Chiefs of Staff? Can you tell us, please, a  
10 little bit about the hierarchy and what it means that  
11 you were there for that period of time?

12 A. Well, I guess I -- first I should say that two  
13 years after I started this, I decided I wanted to retire  
14 from the Army. And when I said that, the director of  
15 DIA asked me if I would stay on as a member of the  
16 Senior Executive Service as a civilian.

17 Q. What's that, Senior Executive Service within  
18 the Army or --

19 A. No, that was in the Department of Defense.

20 Q. Department of Defense. Help us out.

21 A. These are civil servants or the equivalence of  
22 generals. So he asked me if I would stay on in that  
23 job, same job, if they would give me the job on that  
24 basis. So I said, yes, I would. It seemed like a good  
25 thing to me.

1           As to your other question, the Defense  
2   Intelligence Agency works directly for the Secretary of  
3   Defense, and the Chairman of the Joint Chiefs of Staff.  
4   And I've worked for -- directly in support of a number  
5   of them. I don't particularly want to bring up all  
6   their names.

7       Q.     That's fine. But you survived for seven years  
8   as the Reagan administration became the Bush  
9   administration and various --

10    A.     Yeah.

11    Q.     -- Secretaries of Defense came and went?

12    A.     Yeah. I never was particularly concerned with  
13   who was president, to tell you the truth, because I'm  
14   not political, and I'm just not interested in that kind  
15   of thing.

16    Q.     Now, can you please give the members of the  
17   jury some idea of what your responsibilities were in  
18   that capacity. And I think of particular relevance here  
19   would be, you know, access to data, analyzing data,  
20   making judgments about people, and advising people --

21    A.     Well, I was responsible for the content of  
22   everything that the Defense Intelligence Agency did in  
23   terms of briefings to high level people, participation  
24   in planning, papers produced, participation in forming  
25   national intelligence estimates, all of that kind of

1 business. So everything that the agency had access to  
2 from all the rest of the intelligence community, the  
3 State Department, plus liber research, you know, from  
4 some very skilled people, and it was my job to referee  
5 all that and see to it that what was produced was  
6 acceptable and coherent, which was interesting because I  
7 had never been an analyst before. I was always a field  
8 soldier in either Special Forces or field intelligence.  
9 But they wanted me to do it, so I did it for seven  
10 years, first in the military and then civilian.

11 Q. So before you became the head there in '85,  
12 when you've described being a field officer, in that  
13 capacity, you were gathering data?

14 A. Yeah, that's right. I mean, it's not -- you  
15 know, if -- you are supposed to have -- in work like  
16 that, you're supposed to have a pleasing personality,  
17 you know, and if you talk to enough people, and you  
18 encourage them to be helpful to the United States,  
19 oftentimes they are. And I did a lot of that and was  
20 pretty good at it.

21 Q. Would you also gather information that you  
22 would pass on to other people, analysts --

23 A. Oh, yeah.

24 Q. -- who then incorporated into reports,  
25 et cetera?

1           A.       Oh, yeah. When you do that in the field, you  
2       don't do it for your own amusement. So, you know, you  
3       write reports, and they are transmitted electronically,  
4       and become part of the lifeblood of the information  
5       stream of the intelligence community, as we're talking  
6       about it. We go to all agencies so that they are  
7       integrated as part of what they do.

8                   There is a kind of myth that has been  
9       perpetrated that the intelligence agencies don't share  
10      information. That's really not true except for about 5  
11     percent of what everybody has. Everybody has a few  
12     things they would consider to be the crown jewels, but,  
13     in fact, most information is shared, and there is a vast  
14     amount of it, vast amount.

15      Q.       Then from '85 to '92 rather than being a  
16     primary gatherer, you were on the receiving end, and  
17     engaged in the analysis and different type of report  
18     preparation?

19      A.       Yeah. And it was up to me to make sure the  
20     Secretary of Defense and the Chairman were satisfied  
21     with what they were getting from us in terms of their  
22     requirements for knowledge.

23      Q.       And did you have personal interactions with the  
24     Chairman of the Joint Chiefs of Staff and with the  
25     Secretary of Defense on a regular basis?

1           A.       Every week, and two or three times.

2           Q.       In that capacity, for that seven-year period,  
3 did you personally brief either President Reagan or  
4 President Bush?

5           A.       I briefed President Reagan about three times, I  
6 think; and President George H.W. Bush repeatedly during  
7 the Desert Storm period leading up to the first Gulf  
8 War. I went to the Oval Office a number of times with  
9 several other people from around the community to have  
10 group discussions with him about what the Iraqis were  
11 doing, what they were likely to do, things like that.

12          Q.       You left that position -- excuse me, before you  
13 left that position, were you given a rank of some sort?

14          A.       Yeah, at the end of the first Gulf War, I was  
15 given the president -- Presidential Rank of  
16 Distinguished Executive presented to me by President  
17 George H.W. Bush himself. This is -- it's an in-person  
18 rank award in the civil service, given to 1 percent of  
19 those who might -- people in the senior executive  
20 service, it was on the basis of my work with regard to  
21 the first Gulf War.

22          Q.       Now, you mentioned, I believe, that among the  
23 types of information that you would receive as the  
24 Defense Intelligence officer in that period, you used  
25 the word "research."

1 A. Yes.

2 Q. Now, you had the opportunity to read a report  
3 prepared by Evan Kohlmann?

4 A. No, I didn't. I read his report -- testimony  
5 before the Senate in July.

6 Q. Did you also have the opportunity to hear him  
7 testify in a hearing in this court back in May?

8 A. I did.

9 Q. Okay. And you have, then, some familiarity  
10 with the type of work that he does?

11 A. Yes, I do.

12 Q. Okay. And how would that type of work relate  
13 to the type of work that you did; and particularly, the  
14 reference to a report that you made?

15 MR. GORDER: Objection.

16 THE COURT: Sustained.

17 BY MR. WAX:

18 Q. What do you mean by "research" in terms of the  
19 type of information on which you relied?

20 A. Well, the intelligence community is analysts  
21 who are like research scholars in a university, really,  
22 but with high security clearances. They do exactly what  
23 scholars do. They pull together all available  
24 information, both from unclassified and classified  
25 sources, and combine that with current reporting, which

1 is usually classified, from the field in order to form a  
2 synthesis that becomes a basis of their collective  
3 judgment as to the truth or falsity of any particular  
4 thing.

5 Q. In '92, you left that position and you went to  
6 another one in the government?

7 A. Yes. Also within the Defense Intelligence  
8 Agency. I became the first director of the Defense  
9 HUMINT Service.

10 Q. What is that? HUMINT, H-U-M-I-N-T?

11 A. Yeah, that's all capitals, that's an acronym  
12 for human intelligence. This denotes the collection of  
13 information using human beings as sources.

14 Q. Since you've mentioned that word, can you  
15 explain to the members of the jury, please, whether  
16 there are other acronyms used in the intelligence  
17 business that describe other sources of information?

18 A. Yes. These are sort of like disciplines in the  
19 academic world. There is Signals Intelligence --

20 MR. GORDER: Your Honor, I'm going to object to  
21 the relevance.

22 THE COURT: Counsel.

23 MR. WAX: It's going to be relevant to where  
24 his testimony goes, Your Honor.

25 THE COURT: Overruled.



1 THE WITNESS: There is Signals Intelligence,  
2 which obviously has to do with the collection of  
3 signals.

4 There is IMINT, which has to do with imagery,  
5 usually aerial imagery of things on the ground.

6 There is MASINT, which is the measurement of  
7 the characteristics of various objects.

8 There are a number of things like that. And  
9 they are all kind of specialties within the business of  
10 collecting information.

11 BY MR. WAX:

12 Q. I want to digress for one moment before we pick  
13 up with your activities after you left government  
14 service on a full-time basis, and ask whether or not you  
15 have published any books or articles?

16 A. Well, I've published a great many articles in a  
17 variety of publications since I left government. Since  
18 when I was in government, like every intelligence  
19 person, I was forbidden to publish things in any sort of  
20 journals, academic or otherwise.

21 After I had cooled off for a while after having  
22 left the government service, I wrote -- I've written a  
23 number of things on the Middle East, on Arab politics,  
24 on military affairs, on Special Operations, since I was  
25 a Green Beret officer, and on counterinsurgency, many

1 different articles.

2 And I have written three books. One was a  
3 social studies textbook on the history of the human  
4 intelligence discipline in -- as a form of art. And  
5 I've written two novels that are amusingly sort of  
6 autobiographical about what I learned in life, but which  
7 are set in the American Civil War. And I'm working on a  
8 third, fitfully.

9 Q. In terms of the articles, to try to speed this  
10 up, let me just read from your résumé a few of the  
11 titles that seem to be potentially relevant here. An  
12 article "Drinking the KoolAid," "Middle East Policy" for  
13 the Middle East Policy Council in 2004?

14 A. Yes.

15 Q. "Wahhabism and Jihad" in *America*, March of  
16 2003?

17 A. Yes.

18 Q. "Speaking Truth to Power," *America* also in  
19 2003?

20 A. Yes.

21 Q. In terms of symposia in which you have  
22 participated and/or presented papers, "Al-Qaeda 2.0:  
23 Transnational Terrorism after 9/11" for the "New America  
24 Foundation," 2004?

25 A. Yes.

1 Q. "Government Secrecy and National Security" in  
2 the New York University Institute of Law Security, 2007?

3 A. Yes.

4 Q. The "Annual Symposium on the Middle East,"  
5 featured speaker on Saudi Arabia at the U.S. Army War  
6 College, March 2008?

7 A. Yes.

8 Q. "Counterinsurgency: America's Strategic  
9 Burden?" a panel at The Center on Law and Security at  
10 New York University, 2009?

11 A. Yes.

12 Q. Did you also participate in or consult for a  
13 workshop on "Terrorism - 2025" at the Johns Hopkins  
14 University in January of this year?

15 A. Yeah. That was a government symposium run by  
16 the director of National Intelligence.

17 Q. All right. Let's go back, then, to 1994,  
18 please, if you would. You left government service at  
19 that time?

20 A. I did.

21 Q. Did you take up another occupation?

22 A. Yes. I had been in government service for  
23 32 years, and I thought I should do something new. And  
24 so I floated my résumé to people I knew in the Middle  
25 East who had money and jobs. And I received several job

1 offers. And I took the one that had the best job and  
2 the most money attached to it.

3 And I worked full-time for five years for a  
4 company owned by one man, a Lebanese man, who makes  
5 building materials in 15 or 16 different places in the  
6 Middle East and in the United States. Actually, I  
7 opened the factories in the United States.

8 And then after 2000, I decided I wanted to be a  
9 consultant for this fella. So I took that up. And I  
10 was also a member of his board. And I started  
11 consulting again for the United States government at  
12 their request for the intelligence community, Department  
13 of Defense, things like that.

14 Q. We will get back to that in a moment, but let  
15 me ask you, sir, during the course of your work with the  
16 Lebanese business, did you spend a great deal of time in  
17 the Middle East?

18 A. Yes. That -- my job consisted -- I was the  
19 head of a subsidiary involved -- of his -- involved in  
20 business development, government relations, contract  
21 negotiations, things like that. And so I had to travel  
22 around everywhere that we had prospective business or  
23 existing business. And it was every country in the  
24 Middle East and north Africa except Algeria -- and --  
25 and -- I think it -- and South Yemen, I never went

1       there. I've never been there.

2           Q.       Did you also do work for the Lebanese fellow  
3       for a charity, for a foundation that he had?

4           A.       Yes. The issue arises of Zakat in this whole  
5       business here, which is one of the five pillars of  
6       Islam. This man -- Zakat is normally something like  
7       2-and-a-half percent of someone's gross income if they  
8       are Muslim. And so he -- for him that was a lot of  
9       money. And he wanted to do something useful for it that  
10      might advance his political prospects in Lebanon as  
11      well, so I organized a family foundation for him that  
12      did charitable work in Lebanon, and vocational training,  
13      micro-credit lending for women's businesses.

14                 And then in the States, we sponsored the work  
15      of a number of think tanks at Harvard and the Council on  
16      Foreign Relations that were advocating the peace  
17      process, in particular Henry Siegman's Middle East  
18      project.

19          Q.       You've indicated, I believe, that you left his  
20      employment on a full-time basis around the year 2000.  
21      So let's talk about the last ten years. You indicated  
22      that you were asked to go back to assisting our  
23      government in a consultive capacity?

24          A.       Yes.

25          Q.       And have you continued to do that for the past

1 ten years?

2 A. Yeah, right up until now. As a matter of fact,  
3 I have a couple of scheduled things to participate in  
4 the next few months. And in the course of that, my  
5 security clearance, which lapsed when I left government,  
6 was restored because it was necessary for the  
7 government's needs.

8 Q. With respect to security clearance, when you  
9 were working for the government, you held a security  
10 clearance?

11 A. Oh, yes.

12 Q. And do I understand correctly that there are  
13 various levels of security clearances?

14 A. An almost infinite number of levels. You want  
15 to know mine? It was top secret --

16 MR. GORDER: Objection, Your Honor.

17 THE COURT: No.

18 THE WITNESS: Sir?

19 THE COURT: No.

20 BY MR. WAX:

21 Q. Did you have access to a great deal of  
22 information?

23 A. Yes.

24 Q. Thank you. And you once again have a security  
25 clearance from our government?

1           A.       I do.

2                   MR. GORDER:  Objection, Your Honor.  I'm not  
3   sure what the relevance is.

4                   THE COURT:  The objection is sustained.  It's  
5   not relevant.

6   BY MR. WAX:

7           Q.       The consulting that you have been doing for the  
8   government for the past ten years, up to and including  
9   the present, has that continued to involve matters  
10   related to the Middle East?

11          A.       Exclusively, really.  Involving the future  
12   plans of the government, and analysis of major issues  
13   before the -- the government for understanding, things  
14   like that.

15          Q.       In addition to working for the United States  
16   government, have you also taken on a few consulting  
17   tasks for people in out -- in other capacities such as  
18   this one?

19          A.       Well, I think of this as a service to the  
20   government in that it's service to the courts, but, yes,  
21   I have done some expert witness testimony in a number of  
22   cases for -- both for Federal Public Defenders and for  
23   private law firms doing pro bono work.

24          Q.       And in terms of the people who approach you to  
25   see whether or not you can help in their cases, do you

1 have, you know, any process that you go through before  
2 you decide whether to agree to assist?

3 MR. GORDER: Objection, Your Honor.

4 THE COURT: Sustained.

5 BY MR. WAX:

6 Q. Do you take all the work that comes to you,  
7 sir?

8 A. No.

9 MR. GORDER: Objection.

10 THE COURT: Overruled.

11 THE WITNESS: The answer was no.

12 BY MR. WAX:

13 Q. We contacted you some time ago and asked  
14 whether or not you would assist in this case?

15 A. Yes.

16 Q. And did you do any preliminary investigation  
17 before agreeing to do so?

18 MR. GORDER: Objection, Your Honor.

19 THE COURT: Sustained.

20 BY MR. WAX:

21 Q. You did agree to assist us?

22 A. Yes.

23 Q. And we are paying you?

24 A. Yes, you are.

25 Q. Are we paying you the fee that you can command



1 in the private market or something else?

2 A. This is -- this is much less than I command in  
3 the private market.

4 Q. All right. Let's turn now, sir, to some of the  
5 work that you have done in preparation for your  
6 testimony today. Did you have an opportunity to review  
7 the indictment in this case?

8 A. Yes.

9 Q. Were you provided a full set of the government  
10 exhibits?

11 A. All that you had that you provided me.

12 Q. If we had them all, you got them all?

13 A. I presume so.

14 Q. Did we provide you documents that we had marked  
15 as potential exhibits for this case?

16 A. Yes.

17 Q. Were you provided, without specifying here,  
18 additional materials related to this investigation,  
19 things that were not necessarily marked as exhibits?

20 A. Yes, I think I was, yes.

21 Q. Okay. And in terms of the assessments that I'm  
22 about to get into, are they based on review of the  
23 materials that you were provided and the extensive  
24 background that you have described?

25 A. Yeah, I think I view whatever material you show

1 me in the light of my life experience and work  
2 experience, yeah.

3 Q. I'd like, sir, to turn to a couple of terms  
4 that I'd like to try to clarify at the outset, a couple  
5 of terms that have been used in this case, and please  
6 tell us what your understanding of them is.

7 The term "mujahideen" has been used. The term  
8 "terrorism" has been used. And I believe there may be  
9 one other term that you are going to throw into the mix  
10 in your testimony.

11 So what does "mujahideen" mean? What does  
12 "terrorist" mean? And what is a "resistance fighter" in  
13 your mind?

14 A. Well, mujahid is an Arabic word which means a  
15 fighter for the faith. And it is generally applied by  
16 Muslims in any situation to someone who fights for the  
17 faith in a situation in which they think the faith and  
18 their religious identity is threatened. It can cover a  
19 wide variety of types of fights and types of people.

20 Q. There's a broad spectrum of people who would  
21 fall under the term "mujahideen"?

22 A. Yeah, especially in the minds of the Muslims,  
23 because they tend to assign this kind of virtuous status  
24 to anybody who they think is struggling on their behalf  
25 in protection of their religious identity.

1 Q. And that could include people who are not  
2 picking up arms?

3 A. Yeah, it could, actually, because jihad is a  
4 somewhat ambiguous term, this struggle for the faith.  
5 And as you know, I'm sure people know here, it can be an  
6 internal struggle just as well. So someone who is  
7 struggling in order to maintain a virtuous life, in  
8 fact, who would -- might often be thought of by other  
9 Muslims as a mujahid.

10 And what were the other terms?

11 Q. Terrorist and resistance type fighter.

12 A. Well, terrorism is usually thought of, in my  
13 understanding working in the government, is -- as a  
14 violence applied against civilian populations in pursuit  
15 of a political aim.

16 Q. As opposed to fighting against an army or a  
17 state entity?

18 A. Yeah, that's right. To use the word terrorist  
19 against -- to describe people who are fighting an armed  
20 force in the field is seldom done, really, except maybe  
21 for political reasons.

22 And resistance fighter, that's pretty clear, is  
23 somebody in a local population who is resisting a  
24 foreign aggressor.

25 Q. You mentioned a little bit about Islam. We've

1 had a fair amount of testimony. But I'd like to,  
2 please, get your perspective on a couple of aspects of  
3 Islam as they may relate to this case. Saudi Arabia?

4 A. Yes.

5 Q. You've spent enough time there and studied it  
6 enough to have an understanding of the place of religion  
7 in Saudi society?

8 A. Oh, yes, I think that's quite clear, yeah.

9 Q. Would you please tell us your understanding.

10 A. Saudi Arabia is a theocratic state,  
11 essentially, which is --

12 Q. Meaning what, sorry?

13 A. Well, the religion essentially forms the  
14 background and framework of government, and in fact of  
15 all aspects of life. And the only tolerated form of  
16 religio-politico thought in Saudi Arabia is the Wahhabi  
17 sect of Islam.

18 And this is a form of Islam in which it is  
19 believed that the relationship between men and God is  
20 not particularly warm. God is the law giver and man is  
21 the law obeyer. And everything is about law very  
22 strictly. And it is -- and life is -- consists of  
23 figuring out what the proper application of law is so  
24 that man can obey God. This idea of things dominates  
25 all of Saudi life.

1           And as the name Saudi Arabia applies, this  
2   country is, in fact, for all intents and purposes, the  
3   property of the Al-Saud family. It was created by them.  
4   They continue to rule it. They have got most of the  
5   money. And they have an allied family, the Al-Shaikh  
6   family, with whom they have been intermarried since the  
7   eighteenth century, since the first famous member of  
8   that family was the founder of the Wahhabi sect. And  
9   their alliance with them, provides legitimacy to the  
10   Saudi government.

11       Q.       The alliance between the Saud family and the  
12   Al-Shaikh family, you are indicating, provides some  
13   legitimacy to the Sauds because of the imprimatur of the  
14   religious people?

15       A.       Yes, because Islam, in its form, does not  
16   really recognize secular government, because it believes  
17   in the unity of all aspects of man's life, as God they  
18   believe is completely unified.

19               So the various parts of life should not be  
20   separated, in their view. To do that is an impious,  
21   irreligious thing to do. So they don't tend to have the  
22   ability to have a completely secular government, when  
23   you are as purely Islamic as the Saudis are, because  
24   what would be authority for that since the religious  
25   life is the only thing that really matters?

1           So the favor showed to them by the Al-Shaikh  
2 family tends to give the Saudi family a de facto secular  
3 rule and legitimacy.

4           Q.       Okay, Islam generally, is it a very diverse  
5 religion?

6           A.       Yes. This is something that's very important  
7 is that there is no one Islam. The Muslims want --  
8 typically want to believe that Islam is unified because,  
9 again, because God is one, and, therefore, God's rule  
10 should be unified. But, in fact, Islam is a headless  
11 religion. It's a religion of laymen, which has no  
12 hierarchy, there are no bishops, there are no priests.

13                 So -- and the view of what Islam is is formed  
14 by religious consensus among groups of Muslims in  
15 varying size. Anything from the 7 or 8 million people  
16 in Saudi Arabia, who are only allowed to have one  
17 understanding, down to little groups of people who may  
18 have peculiar understandings of what Islam is. Al-Qaeda  
19 or Al-Qaida is a good example in that most Muslims would  
20 say they are not really Muslims because they don't  
21 accept their view of Islam.

22                 But for the guys -- the people in al-Qaeda,  
23 Al-Qaida, that it is valid, and they were willing to  
24 kill you for it.

25                 So on this basis, because it's formed on the

1 basis of consensus, there are many, many, many, many,  
2 many, many different, in reality, forms of Islam, as  
3 many as there are groups of Muslims who agree with each  
4 other.

5 Q. And some --

6 A. They don't like that definition, by the way.

7 Q. And some of the groups would, perhaps, be  
8 extreme, as you've said, with respect to al-Qaeda,  
9 others could be on the opposite end of the spectrum in  
10 terms of conservative versus less conservative practice  
11 or interpretation?

12 A. Well, the great cleavage in my opinion -- my  
13 opinion -- is between those Muslims who believe that  
14 Islam is all about law and those Muslims who believe  
15 that Islam is about what is inside you and your warmth  
16 of feeling about your relationship to God and other  
17 people. Those are called Sufis. And this is a great  
18 split. And there is -- it's an unbridgeable split. So  
19 they -- and then there are endless variations on these  
20 themes as -- in different groups.

21 But it's a great error, in my opinion, to think  
22 that Islam is one, or that somehow they are all the same  
23 thing, or that there is a chain of command outside one  
24 of these groups. It's just not true.

25 Q. Let me switch, please, we've had a fair amount

1 of testimony about the Russian-Chechen conflict. I  
2 believe that there are a couple of points that you could  
3 add. So take it that we've heard a lot testimony up to  
4 now.

5 I'd like to ask you, please, in terms of the  
6 structure of the Soviet Union, were there different  
7 types of republics in the Soviet Union? And what type  
8 was Chechnya?

9 MR. GORDER: Objection, Your Honor, beyond his  
10 expertise.

11 MR. WAX: I do not believe so.

12 THE COURT: Well, I'll listen to your answer  
13 and --

14 THE WITNESS: Well, the Chechen autonomous  
15 Russian republic, along with the other little republics  
16 in the north Caucasus that are legally part of the  
17 Russian Federation, which was part of Soviet Union,  
18 these little countries were all seized by the Russian  
19 czar, emperor, in the nineteenth century, even though  
20 they weren't populated by Russians. They were populated  
21 by Muslims of various kind of Turkish stock. And they  
22 have resisted absorption into Russia ever since,  
23 culturally, politically, every other way.

24 Although there are quislings, you know, there  
25 are collaborationists among them as well, but the great



1 majority of people have resisted Russification and  
2 Christianization, actually, ever since. And it's  
3 ongoing to today.

4 THE COURT: We're going to take a break at this  
5 time.

6 MR. WAX: Thank you.

7 (Recess: 10:54 until 11:05 a.m. Jury absent.)

8 THE COURT: Counsel, I took the bench before  
9 the jury just to comment that it appeared there was some  
10 witnesses in the courtroom, so just -- you take care of  
11 that, please.

12 Seat the jury, please.

13 (Jury enters the courtroom at 11:06 a.m.)

14 THE COURT: You may proceed.

15 MR. WAX: Thank you, Your Honor.

16 BY MR. WAX:

17 Q. Colonel Lang, when we broke, I think we were  
18 talking a little bit about Chechnya. Can you tell the  
19 members of the jury, please, under the Soviet Union what  
20 was a Union republic and what was a Russian republic, if  
21 those phrases mean anything?

22 A. Well, Lenin decided for some reason  
23 satisfactory to himself that those parts of the Russian  
24 Empire that were exterior and faced on the outside world  
25 that were primarily inhabited by non-Russians would be

1 considered to be Union republics. They would be  
2 federated with the Federation, the Russian Federation;  
3 whereas those similar non-Russian ethnic political  
4 identities like Chechnya, Circassia, Dagestan,  
5 et cetera, that were inside and didn't have an external  
6 border would be considered part of the Russian  
7 Federation. That was -- it seems to have been an  
8 arbitrary decision on his part.

9 Q. And after the breakup of the Soviet Union, was  
10 there a distinction that the Russian Federation made  
11 based on those Soviet determinations that played a role  
12 in what became the Russian-Chechen wars?

13 A. Well, the dissolution of the Soviet Union left  
14 all the Union republics on the outside as independent  
15 countries. Whereas, those parts that Lenin had  
16 classified as subdivisions of the Russian Federation,  
17 the Russians insisted they would keep them, but that was  
18 quite resented by these people who thought they were  
19 every bit as alien to Russia as the other ones.

20 Q. That included the Chechens?

21 A. Absolutely.

22 Q. Now, in terms of the Russian-Chechen situation,  
23 I think the jury has heard that there were two main  
24 periods of warfare. I'd like to direct your attention  
25 to the warfare in '99 and 2000. And if you could tell

1 us, please, the perception of that conflict in the world  
2 in that period.

3 MR. GORDER: Objection, Your Honor.

4 THE COURT: Sustained.

5 BY MR. WAX:

6 Q. Was there concern about what Russia was doing  
7 with respect to Chechnya?

8 MR. GORDER: Objection.

9 MR. WAX: I'm sorry, I didn't hear a ruling.

10 THE COURT: You did not hear one. The  
11 objection is sustained.

12 BY MR. WAX:

13 Q. Did you have concern?

14 MR. GORDER: Same objection.

15 MR. WAX: Your Honor, the government --

16 THE COURT: Overruled.

17 MR. WAX: Thank you.

18 BY MR. WAX:

19 Q. Did you have concern?

20 A. Yes, because I thought that an agreement had  
21 been made in which Chechnya would be given a very large  
22 measure of autonomy, and then the Russian army proceeded  
23 to suppress the degree of autonomy that they thought had  
24 been achieved, and I thought that was probably a foolish  
25 thing to do.

1 Q. And do you have an understanding of whether  
2 there were other people who shared that perspective?

3 MR. GORDER: Objection.

4 THE COURT: The objection is sustained.

5 BY MR. WAX:

6 Q. Have you -- were you aware or have you become  
7 aware that Muslim people were concerned about the  
8 situation in Chechnya?

9 A. Speaking from my own experience as someone who  
10 has circulated widely in and among Muslim peoples for  
11 the last 30 years, and in that period of time I was in  
12 business traveling throughout the Islamic world where  
13 people talked about this a lot, it seemed to me that, in  
14 my own experience, the Muslims I knew were very upset  
15 about Russia's actions in Chechnya.

16 Q. Was -- did you experience any interactions with  
17 non-Muslims in that same period about the Russian-  
18 Chechen situation, your personal experience?

19 MR. GORDER: Objection.

20 THE COURT: Overruled.

21 THE WITNESS: Well, yes, I knew a lot of people  
22 in Washington and New York in the foreign policy  
23 community --

24 THE COURT: No, you can -- don't go into that.

25 THE WITNESS: All right.

1 BY MR. WAX:

2 Q. Without referencing the people, tell us,  
3 please, about your experience.

4 MR. GORDER: Objection, Your Honor.

5 THE COURT: The objection is overruled.

6 THE WITNESS: People generally thought that the  
7 Russian action was unjustifiable and excessive in that  
8 period.

9 BY MR. WAX:

10 Q. Thank you, sir. Now, there was some testimony  
11 about an incident in August of 1999 in Moscow, and my  
12 question is whether or not you have any knowledge of --  
13 belief about the actual perpetrators of that bombing.

14 MR. GORDER: Objection, Your Honor.

15 THE COURT: Sustained.

16 MR. WAX: It's something that came from the  
17 government's witness, Your Honor.

18 THE COURT: You have my ruling.

19 THE WITNESS: Am I to answer the question?

20 THE COURT: No.

21 BY MR. WAX:

22 Q. All right. Let's go back to Saudi Arabia, sir,  
23 and let me ask you a few more questions about that. I'd  
24 like to ask you, please, what you have learned in your  
25 career about the role of the Saudi government with

1 respect to charities.

2 A. The Saudi government, because it is of fairly  
3 shaky legitimacy in Islamic terms except in the way I  
4 described, seeks to maintain a very tight control over  
5 all things involving funding, external funding, internal  
6 organizations of various kinds, meetings. And is -- it  
7 generally tends to supervise very closely anything they  
8 think might get out of hand and cause them trouble in  
9 the world generally. And they are very, very tough  
10 about this.

11 Q. Are you familiar with an organization called  
12 al-Haramain?

13 A. Of course.

14 Q. And what, if anything, can you tell the jurors  
15 about your understanding of what al-Haramain was in the  
16 year 1999, 2000?

17 A. My understanding is that this was a Saudi  
18 religious charity, which by its charter and by the  
19 character of its board of supervisors, was empowered to  
20 distribute Zakat from foreign donors, largely, that  
21 these are alms, which is a religious duty in Islam,  
22 given by people as a tithing, you know, to groups of  
23 people who were, in fact, the deprived, the widows and  
24 orphans, the wounded, people fasting during Ramadan,  
25 things like that. And I'll stop there.

1 Q. Do you know anything about the governing  
2 structure of al-Haramain?

3 A. Yes. I mean it was --

4 MR. GORDER: Objection. Can we have a further  
5 foundation?

6 MR. WAX: He has explained his extensive  
7 experience in the Middle East.

8 THE COURT: Just a moment. Members of the  
9 jury, I'm going to excuse you to the jury room for a few  
10 minutes.

11 (Jury exits the courtroom at 11:15 a.m.)

12 THE COURT: I will see counsel in the jury room  
13 on the fourth floor.

14 (A closed session was held.)

15 (Jury absent from the courtroom. 11:36 a.m.)

16 THE COURT: Colonel Lang, when did your  
17 security clearances lapse?

18 THE WITNESS: Beg your pardon?

19 THE COURT: When did your security clearances  
20 lapse?

21 THE WITNESS: Well, when I left DIA -- when I  
22 resigned from DIA, I was debriefed from all my accesses,  
23 and then my clearance was restored about six years ago.

24 THE COURT: When did you leave DIA?

25 THE WITNESS: In the fall of 1994.

1           THE COURT: All right. And you know that with  
2 those clearances, and you had a very high level of  
3 security clearance, but you know that you signed an  
4 agreement to protect those things for the rest of your  
5 life, that information. And I don't have to remind you  
6 of that, but it's true. We're both in that same boat.  
7 And I just caution you against basing your answers on  
8 information you learned when you were with DIA.

9           THE WITNESS: Your Honor, I am -- have a great  
10 deal of knowledge, and there is only a fairly small  
11 amount of it that's specifically the result of my  
12 employment at DIA.

13           THE COURT: Well, did you understand what I  
14 said?

15           THE WITNESS: I did.

16           THE COURT: All right. We understand saluting  
17 uniforms around here, don't we?

18           THE WITNESS: Yes, we do.

19           THE COURT: All right. Fine. Seat the jury.

20           MR. WAX: Your Honor, I'd like the record to  
21 reflect an objection to the court's ruling.

22           THE COURT: It was not a ruling -- well, I  
23 guess it was. It was an admonition. It was a reminder  
24 of what he has agreed to.

25           MR. WAX: Well, I believe -- I am objecting to



1 the breadth of the court's admonition. I do not believe  
2 that it is consistent with the obligation that the  
3 colonel has. And I want the record to reflect that,  
4 please.

5 THE COURT: Well, nevertheless, Colonel, you  
6 understand that in this particular forum, I'm in charge.

7 THE WITNESS: Yes, I do. You are in charge.

8 THE COURT: Go ahead. Seat the jury, please.

9 (Jury enters the courtroom at 11:39 a.m.)

10 THE COURT: Go ahead.

11 MR. WAX: Thank you.

12 BY MR. WAX:

13 Q. Colonel, I'd like to ask you about al-Haramain  
14 and your understanding of the operation of al-Haramain  
15 in 1999, 2000, to the extent that you are able to  
16 testify about that.

17 A. Based on the unclassified documents that you  
18 have shown me, I would say -- and my knowledge of the  
19 function of the Saudi government within their society, I  
20 would say that al-Haramain was under tight control by  
21 the Saudi government in its operations, and it was  
22 closely supervised both within al-Haramain and by  
23 supervising committee made up of senior ministers and  
24 princes of the royal house.

25 Q. In terms of the relationship between

1 al-Haramain and the committee that you just referred to  
2 and the Saudi government, what, if anything, can you  
3 tell us in this sort of setting about the membership of  
4 Saudi officials on the committee? And, specifically,  
5 which committee are you referring to?

6 A. I have a hard time remembering these initials.

7 Q. SJRC?

8 A. All right. Well, first of all, among the  
9 unclassified documents you showed me, one was a royal  
10 decree from the king himself, which -- and another from  
11 the prime minister of Saudi Arabia, who is now the king,  
12 creating this SJRC committee for the specific purpose of  
13 oversight over a number of charities, most -- religious  
14 charities.

15 And they -- the members of the oversight  
16 committee were named in both cases. And there is the  
17 Minister of the Interior, who was a police minister; the  
18 Minister of Foreign Affairs; the Minister of Religious  
19 Affairs; the Chief of the External Intelligence Service,  
20 and several other people. Those are the ones who are  
21 the most striking. And a man who was the -- a doctor  
22 who was the head of the Saudi Red Crescent, their  
23 version of the Red Cross. And those functions were  
24 reproduced at both these levels. And the directives and  
25 the charters for these committee and for al-Haramain

1 specified that, in fact, that the -- these charities,  
2 including al-Haramain --

3 MR. GORDER: Your Honor, I'm going to object  
4 to -- he's basically reading from documents that are  
5 hearsay.

6 THE COURT: Yes.

7 MR. WAX: I don't believe he has anything in  
8 front of him to be reading from.

9 THE WITNESS: No.

10 THE COURT: Well, you can go ahead. You can go  
11 ahead. It's just -- if you find that it was merely  
12 repeating what's in a document, that is hearsay, you can  
13 consider it, but not for the truth of it. Go ahead.

14 THE WITNESS: Well, these appear to be  
15 government documents to me. And they specify that --  
16 and in the charter of these organizations, that they  
17 should restrict their activities to the administration  
18 of donations from pious Muslims for alms giving.

19 BY MR. WAX:

20 Q. And in terms of your understanding from  
21 unclassified sources of the way in which the Saudi  
22 government, Saudi charities operate, is what you have  
23 just described consistent with your general unclassified  
24 understanding?

25 A. Yeah. I think one of the things you have to

1 understand about the senior members of the Saudi  
2 government is that, in my opinion and experience of  
3 them, they are not really hypocrites. They actually  
4 believe in the tenets of their religion. And a duty to  
5 administer alms provided -- donated by pious Muslims for  
6 the needy, would be taken seriously by them. And I find  
7 it very difficult that they would do anything else, to  
8 believe they would do anything else.

9 Q. All right. So in terms of a suggestion that  
10 funds that were donated for Zakat with a specific  
11 designation of assisting orphans or other refugees in  
12 the Chechen conflict, how would something like that be  
13 treated under the Saudi governmental and governmental  
14 charity structure?

15 MR. GORDER: Objection, Your Honor.

16 MR. WAX: It's exactly what --

17 THE COURT: The question is overruled.

18 MR. WAX: Thank you.

19 THE WITNESS: Actually, I don't understand the  
20 question, so.

21 BY MR. WAX:

22 Q. Someone gives Zakat, you said that the people  
23 are not hypocrites?

24 A. Yes.

25 Q. And the Zakat has a designation, give us the --

1 A. As to purpose?

2 Q. As to purpose.

3 A. Yeah.

4 Q. And how would the Saudi government regulating a  
5 charity that received such a donation operate?

6 A. They would seek to ensure that the funds went  
7 to that purpose.

8 Q. All right. Now, in terms of funding of  
9 fighters --

10 A. Yes.

11 Q. -- and how the Saudi government would operate  
12 and what it would permit, what can you tell us, sir?

13 A. If there were a matter of state policy to  
14 support Chechen rebels against the Russians, the Saudi  
15 government has the apparatus within itself to do that,  
16 and infinite resources, without resorting to diverting  
17 money from a religious charity, fairly small amounts of  
18 money, too.

19 Q. So in the real world, as you have experienced  
20 it, and as you can describe it through unclassified  
21 information, how would it work if the Saudi government  
22 wanted to allow funding of mujahideen in Chechnya?

23 MR. GORDER: Objection, Your Honor.

24 THE COURT: Overruled.

25 THE WITNESS: The government would do it

1     itself. It has the internal organs to do that. And it  
2     has the funds. They would have no need to do it using  
3     funds provided to these charities.

4     BY MR. WAX:

5         Q.     Now, in terms of the relationship between the  
6     people in what we generally call the Mideast region, is  
7     there a difference ethnically between Arabs and  
8     Persians?

9         A.     Of course. The --

10        Q.     Help us out, please.

11        A.     The Persians are an Indo-European people who  
12     speak a language that is related to various European  
13     languages, but has a lot of Arabic loan words in it.  
14     The Arabs are a Semitic people who speak a strictly  
15     Semitic language that doesn't have a lot of loan words  
16     in it.

17        Q.     Is there also, beyond the linguistic, are there  
18     some religious differences between the Persian stock  
19     primarily in Iran and the Arabs in Saudi Arabia?

20        A.     Most Persians are Twelver Shia and the Saudi  
21     Arabians have some Twelver Shia in their eastern  
22     province near the Persian Gulf, but the vast majority of  
23     them are Sunni Muslims of the Wahhabi sect. And those  
24     two things don't mix very well. The Wahhabis only  
25     barely tolerate the Shia as fellow Muslims.

1 Q. And as a general proposition in terms of the  
2 degree of trust that a Wahhabist in Saudi Arabia would  
3 give to a person who is of Persian extraction and  
4 practicing a very different form of religion, how would  
5 that affect the degree of trust that would be given?

6 MR. GORDER: Objection, Your Honor.

7 THE COURT: Overruled.

8 THE WITNESS: He would not be a trusted person.  
9 He might be tolerated, might be used as a useful  
10 instrument, but would not be a trusted person.

11 BY MR. WAX:

12 Q. And in terms of not being a trusted person, if  
13 a Wahhabist Saudi were going to be engaging in  
14 activities that were going contrary to the views of what  
15 some might view as legality, would they let a Persian,  
16 non-Wahhabist know about it?

17 A. It seems very unlikely to me in my opinion,  
18 yeah.

19 Q. Thank you, sir. I'd like to turn for a moment  
20 then, please, to the little bit about the Saudi economy.  
21 You've told us you had a great deal of experience living  
22 and working there in the region.

23 A. Well, first for the government and then as a  
24 businessman.

25 Q. Okay. So I don't think we're going to run into

1 issues here. Can you tell us, sir, as a general  
2 proposition, are there differences between the way in  
3 which the Saudi economy functions on a day-to-day basis  
4 as contrasted with the American economy?

5 A. Big businesses, really big businesses, function  
6 much the same way, because of the heavy mixture of  
7 foreign talent to help administer these businesses.  
8 Smaller businesses that are run by local entrepreneurs  
9 or people who are civil servants, or people -- or just  
10 merely well-to-do tend to function on the basis of trust  
11 a great deal more than here. And people are pretty  
12 sloppy about accounting.

13 There are no real taxes in Saudi Arabia except  
14 for religious taxes. And people are just not concerned  
15 about everyday accounting measures the way we are.

16 Having had to negotiate contracts with these  
17 people a lot, I found it quite frustrating at times.

18 Q. In terms of cash, is there a difference in the  
19 way in which cash is used in this country as contrasted  
20 with Saudi Arabia?

21 A. Americans don't tend to walk around with a lot  
22 of cash or cash instruments and they do. I mean, 10 or  
23 \$15,000 worth of walking-around money is nothing,  
24 really, in -- for the people who are fairly well-to-do  
25 in Saudi Arabia. And they tend to do things that are --



1 for us -- seem rather bizarre like commingling funds,  
2 official funds and other people's funds, government  
3 funds, your funds.

4 And if you put the money -- government money in  
5 your bank account and then you put it back in somewhere  
6 else, nobody will say a word about this. This is a  
7 country in which they cut your hand off for stealing.  
8 And that -- if you mess with that, this is a form of  
9 theft.

10 Q. And you have personally experienced this --  
11 obviously not having your hand cut off --

12 A. No.

13 Q. -- but observing the way in which the economy  
14 operates, '80s, '90s and beyond?

15 A. Yes, certainly. They see no reason to change  
16 the way they do things.

17 Q. In terms of traveler's checks, do you have any  
18 experience, observations, of the way in which traveler's  
19 checks are used in Saudi Arabia as contrasted with  
20 traveler's checks in this country?

21 A. No. I have never seen a widespread use of  
22 traveler's checks in Saudi Arabia. People who carry  
23 tend to carry around letters of credit or a lot of cash  
24 in several currencies, or maybe a super-duper credit  
25 card with purple, black, whatever, you know, something

1     like that. But a large number of traveler's checks,  
2     this is a peculiarity for me.

3           Q.     Okay. In terms of the tracing of money and  
4     what is involved in tracing money, what, if anything,  
5     can you tell us about how one might go about that.

6           MR. GORDER: Objection, Your Honor. He has a  
7     lack of foundation with his experience.

8           THE COURT: Yeah, lay a foundation.

9     BY MR. WAX:

10          Q.     Sir, can you tell us whether or not you have  
11     any experience dealing with efforts to trace money?

12          A.     Yes.

13          Q.     Okay. Do I take it that I cannot ask you  
14     anything in particular about that or can I?

15          A.     I think you cannot actually, but other than  
16     that I have experience with that, yes.

17          Q.     All right. What can you tell us then?

18          A.     Well, it's perfectly possible to trace bank  
19     transfers.

20          Q.     All right. And in terms of making an effort to  
21     determine what happens with money, would it be important  
22     to look at receipts if they are available?

23          A.     If the documents are available, certainly.

24          Q.     Okay. And would it be important to make an  
25     effort to determine if a receipt has a bank account

1 number on it, whether or not the money went from the way  
2 in which that receipt indicated?

3 A. It would certainly -- if there is an account  
4 name and number on the receipt, I would think that would  
5 be a help, yes.

6 Q. And in terms of your experience of the way in  
7 which things worked or should work, would that be  
8 something that you believe would be important and that  
9 you would want to do, if you were making such an effort?

10 A. Yeah, I would.

11 Q. Did you have an opportunity to review and  
12 examine a number of -- or two specific receipts in this  
13 case?

14 A. Yes.

15 Q. And did you examine them based on your  
16 experience working with the economy in Saudi Arabia?

17 MR. GORDER: Objection, Your Honor.

18 THE COURT: The objection is overruled.

19 THE WITNESS: They seemed to me to be typical  
20 cashier's receipts for money received, the two you are  
21 talking about, torn out of some kind of ledger book,  
22 probably has a stub. And I read them in both Arabic and  
23 English.

24 BY MR. WAX:

25 Q. And did you find markings on them that would

1 suggest that they are authentic or inauthentic?

2 A. Well, the way things like this work in that  
3 part of the world, the commercial legal tradition is  
4 that of the Ottoman Turkish Empire, which was very  
5 focused on things like seals, serial numbers on  
6 documents, signatures, often stamped usually with a  
7 government-issued stamp. And these two documents all  
8 have those markings on them. And those things would --  
9 those -- the presence of those indicia would make them  
10 appear to be legal commercial documents.

11 Q. And with your understanding of the legal and  
12 commercial system in Saudi Arabia, what, if any,  
13 penalty --

14 A. It's not just Saudi Arabia, by the way, it's  
15 all over that region.

16 Q. Okay. Focusing on Saudi Arabia, what, if any,  
17 penalties would one -- well, I'll withdraw that  
18 question.

19 Your Honor, I am going to renew the offer of  
20 Exhibits 704 and 705 and ask that they be shown to  
21 Colonel Lang.

22 MR. GORDER: Your Honor, we'd object, lack of  
23 foundation.

24 THE COURT: All right. Well, the exhibits are  
25 not received. I'll make the record later in another

1 setting.

2 MR. WAX: Thank you. If I could have a moment,  
3 please, Your Honor.

4 THE COURT: Yes.

5 (Discussion held off the record.)

6 MR. WAX: Thank you, Your Honor. Colonel Lang,  
7 I'd like to ask you one more -- actually, I don't.

8 Thank you, Your Honor. No further questions.

9 THE COURT: Cross.

10 MR. GORDER: Thank you.

11 CROSS-EXAMINATION

12 BY MR. GORDER:

13 Q. Can you tell us when was it you were in Yemen  
14 as the attaché?

15 A. About 25 years ago, 1980 to '82. And I've been  
16 back four times since for a week or so at a time each  
17 time.

18 Q. And then at some point you went to Saudi Arabia  
19 as the attaché, if I understood your testimony?

20 A. That's right. Later in that same decade for  
21 three years.

22 Q. Okay. And what years were those?

23 A. Those were late '82, '83, and '84. I hope I  
24 get the dates right. It's been a while.

25 Q. Mid 1980s?

1           A.       Yeah. And I've been back there any number of  
2 times, too.

3           Q.       And then when were you at the Defense  
4 Intelligence Agency?

5           A.       Well, I worked for the Defense Intelligence  
6 Agency in one capacity or another from, let's see, 1979  
7 until I retired from DIA in August -- fall of 1994.

8           Q.       You've been out of government since then?

9           A.       Except for the consulting we've been talking  
10 about.

11          Q.       You indicated that you had written an article  
12 called "Wahhabism and Jihad"?

13          A.       Yeah, that was about ten years ago, I think.

14          Q.       March 10, 2003?

15          A.       That's about right.

16          Q.       Okay. Could you tell the jury, what is  
17 Wahhabism?

18          A.       Wahhabism is an understanding of Sunni Islam  
19 formed on the basis of the Hanbali law code as  
20 interpreted by the learned person Ibn-al-Wahhab in the  
21 eighteenth century. And it tends to form its opinion of  
22 law on the basis, not of all the different roots of the  
23 law as the other Sunni schools of law do, but instead  
24 only on scripture, on the Qur'an and on Hadith, which is  
25 the tradition of the practice of the Prophet and of the

1 early Islamic community as understood by the Wahhabis.  
2 They have their own -- different schools of Islam have  
3 different codes of tradition.

4 And their judges in their jurisprudence, people  
5 who are called fukaha, the singular is fakih, form  
6 collections of jurisprudence based on case law derived  
7 from the scripture only as understood by the Wahhabis.  
8 And these things are used as -- for the basis of rulings  
9 by Wahhabi judges called Qadis in Saudi Arabia, and also  
10 Qatar as well where this is accepted. And it is a  
11 distinctive form of Sunni Islam, which tends to be quite  
12 intolerant of other forms of Islam, like the Shia and  
13 the Sufi Mystics who believe that God is love and that  
14 religion is mostly about how you feel about God.

15 Q. You testified that this Wahhabism is the  
16 prevailing sect in Saudi Arabia; is that correct?

17 A. It is the prevailing sect in Saudi Arabia.

18 Q. And the government has to get along with it; is  
19 that correct?

20 A. Absolutely. Because -- would you like an  
21 embellishment of that?

22 Q. No.

23 A. Okay.

24 Q. "Wahhabism demands unceasing death against  
25 other less observant Muslims and non-Muslim

1 unbelievers;" is that right?

2 A. Not necessarily.

3 Q. Haven't you written that?

4 A. No, I don't -- well, what are you referring to?

5 Q. Your article, "Wahhabism and Jihad."

6 A. I think that Wahhabism is closely tied to the  
7 issue of whether or not some people can interpret the  
8 scriptures and the traditions in such a way as to  
9 believe that unending violent jihad is a necessary duty  
10 for Muslims.

11 Q. Did you write "Wahhabism cites the Qur'an's  
12 description of war made against unbelievers in the first  
13 centuries of Islam to justify, indeed to demand,  
14 unceasing war to the death against other less observant  
15 Muslims, and especially against non-Muslim unbelievers"?

16 A. If I did write that, I think I was, in fact, in  
17 error, because I think, in fact, that it is quite  
18 possible for people who are of the Wahhabi sect to  
19 interpret their own tradition in such a way that it does  
20 not, in fact, require unending war against unbelievers.  
21 If I made that mistake --

22 Q. Well, would it help --

23 A. -- I need --

24 Q. -- to refresh your recollection to look at a  
25 copy of the article?



1           A.       No. I'll take your word for it. I've not been  
2 right in everything I ever wrote.

3           Q.       Okay. So you take it back?

4           A.       That particular sentence?

5           Q.       Yes.

6           A.       Yes, I would take that back.

7           Q.       "This war against the infidels is the jihad, a  
8 moral obligation of every true Muslim."

9           A.       You know, I think you're taking things out of  
10 context a little. In fact, what I was saying there --

11          Q.       Did you want to see --

12          A.       -- is Wahhabism, in fact, tends to --

13          Q.       -- the article?

14          A.       -- lead to a mentality in which it is easy to  
15 interpret the scriptures in such a way as to think you  
16 are required to act in that particular way.

17                   And if you look at the underlying mentality of  
18 the al-Qaeda terrorists, you will see that they are, in  
19 fact, based on Wahhabism.

20                   MR. GORDER: Your Honor, could I ask the clerk  
21 to give a copy of this to the witness?

22                   THE COURT: Yes.

23                   MR. WAX: May I have a copy, please?

24                   MR. GORDER: Yes.

25                   MR. WAX: Thank you.

1 THE WITNESS: Thank you.

2 BY MR. GORDER:

3 Q. Is that a copy of your article "Wahhabism and  
4 Jihad"?

5 A. Yes, it is.

6 Q. It was in *America* magazine March 10, 2003?

7 A. Certainly.

8 Q. And if you turn to page 3.

9 A. Okay.

10 Q. In the first paragraph that actually begins on  
11 that page, did you write "This war against the infidels  
12 is the jihad, a moral obligation of every true Muslim"?

13 A. We must not be on the same page.

14 Q. Page 3.

15 A. Oh, I see, "This war against the infidels is  
16 the jihad, a moral obligation of every true Muslim."

17 Q. So you did write that?

18 A. Yeah, I did.

19 Q. al-Haramain was a Wahhabi organization?

20 A. Well, it existed in Saudi Arabia in the context  
21 of Saudi society, so I think you would have to say yes.

22 Q. Now, you've testified in the past that you are  
23 not an expert on the Caucasus; is that correct?

24 A. No, that's correct. Well, I'm not in the kind  
25 of detail that your man is.

1 Q. Not in the kind of detail that Mr. Kohlmann is?

2 A. That's correct.

3 Q. Are you familiar with the Kavkaz Institute?

4 A. I am familiar that there is something called a  
5 Kavkaz Institute. There are many things that have been  
6 called the Qoqaz, Kavkaz, Caucasus, this or that. It is  
7 not clear to me exactly what that was or where it  
8 existed in time, in fact, because it is variously  
9 described as a Web site, a publication, a training  
10 center, it's not clear to me what it was.

11 Q. Well, if we could have SW-48.

12 A. Yeah, I see this picture.

13 Q. This is one of the exhibits in this case. You  
14 indicated that you had reviewed the exhibits for the  
15 government?

16 A. I've seen this picture.

17 Q. You recognize this as the Kavkaz Institute in  
18 Chechnya?

19 A. No.

20 Q. Were you aware that al-Haramain claimed to  
21 support the Kavkaz Institute?

22 A. I am aware that al-Haramain said that it  
23 provided funds for teachers and various things of that  
24 kind at the Caucasus Institute, yes.

25 Q. Do you know what they were teaching?

1 A. I do not. How could I know?

2 Q. SW-8, please. If we could go to some of the  
3 pictures. Now, sir, you testified that jihad can be an  
4 internal struggle; is that correct?

5 A. Yeah.

6 Q. It can also be a violent struggle?

7 A. Absolutely.

8 Q. If we could scroll through the pictures. Would  
9 you agree that these pictures depict a violent struggle?

10 A. They depict a war. War is --

11 Q. Not an internal struggle?

12 A. I beg your pardon?

13 Q. Not an internal struggle?

14 A. Oh, I see what you mean. This is war.

15 Q. Do you know who -- well, actually let's go to  
16 SW-45. Do you recognize these gentlemen?

17 A. I don't know them in the detail you do. I  
18 presume somebody is ul-Khattab and somebody is Shamil  
19 Basayev or somebody like that.

20 Q. You just don't know that much about the Chechen  
21 mujahideen?

22 A. Well, how is it relevant?

23 Q. I'm asking whether you know anything about the  
24 Chechen mujahideen?

25 A. I know that -- I don't know a great deal about

1 their internal politics or how they were -- or what the  
2 succession was or that kind of thing, no, I don't know  
3 that.

4 Q. You testified about fatwas. What are fatwas  
5 again?

6 A. A fatwa is a religious opinion issued by a  
7 religious scholar on a subject that has to do with a  
8 point of law in Islam, which is defining as to what  
9 Islam is. There are as many fatwas, of course, as there  
10 are people who could issue fatwas.

11 Q. SW-30, please. Have you reviewed this exhibit?

12 A. I don't particularly remember this one, no.

13 Q. You don't recognize this as the English  
14 translation of a fatwa from the al-Haramain Web site?

15 A. I am aware of the fact that there were  
16 several -- several Muslim religious scholars who were  
17 allowed to post things on the al-Haramain Web site,  
18 which included admonitions to jihad, yes, I know that.  
19 If this is one of them, okay.

20 Q. Well, do you remember seeing this one?

21 A. I don't remember this particular one, no, but  
22 I've seen several of them, yes.

23 Q. If we can scroll down just a little bit. Next  
24 page. Could you take a look at this particular part of  
25 the fatwa?

1 A. Whose fatwa is this?

2 Q. Somebody named Jibreen.

3 A. Okay.

4 Q. Were you aware that this was on the al-Haramain  
5 Web site in the Chechnya relief section?

6 A. I am aware that there were several similar  
7 fatwas on the al-Haramain relief site. I can give you a  
8 reason why I think they were there.

9 Q. Did you read this fatwa?

10 A. Yeah, I did, insofar as it appeared amongst the  
11 exhibits, yes.

12 Q. And it says it's obligatory upon the Muslims to  
13 supply them with weapons and real power?

14 A. This is -- this -- a fatwa of this kind is a  
15 religious opinion of one scholar. Now, if al-Haramain,  
16 which forms its basis of support in Saudi religion, as  
17 all institution does, by a process of compromise and  
18 consensus found it necessary to put that there, it's  
19 certainly unfortunate, but I don't think it indicates  
20 that it is more than a compromise effort to please some  
21 senior cleric.

22 Q. You indicated that the SJRC in your expert  
23 opinion was tightly controlling what al-Haramain was  
24 doing --

25 A. Yes.

1 Q. -- with its money; is that correct?

2 A. I think it's inherent in the structure of the  
3 thing.

4 Q. So when the Web site indicated that it was  
5 obligatory upon Muslims to supply the mujahideen in  
6 Chechnya with weapons and real power and to strengthen  
7 them with financial donations, is that what you consider  
8 expert or strict control?

9 A. I think that the fact that they let this be on  
10 their Web site was a big mistake.

11 Q. So they were not under control?

12 A. No, I think they were under control, but if you  
13 think the princes who are on this committee supervised  
14 everything that was on the al-Haramain Web site and  
15 never missed anything, I think that would be incorrect.

16 Q. Now, if we could go to SW-68. This is -- do  
17 you recognize this particular document, sir?

18 A. Well, you know, you show these things to me  
19 like this, and I don't particularly recognize this  
20 particular document, no.

21 Is this another fatwa that was on the  
22 al-Haramain Web site?

23 Q. Well, you testified that you reviewed all the  
24 government exhibits.

25 A. That doesn't mean I memorized them.

1 Q. You don't recognize this one?

2 A. Well, it's obviously an exhortation to support  
3 people in Chechnya who are in revolt against the  
4 Russians. What is the rest of it?

5 Q. Scroll down just a little bit. Somebody is  
6 asking what is the ruling on giving charities and Zakat  
7 to Muslims in Chechnya. Do you recognize that -- does  
8 that refresh your memory that you saw this exhibit?

9 A. Is this about my memory? I don't understand.  
10 I understand what this says. And if you tell me it was  
11 on the al-Haramain Web site, I'm quite willing to accept  
12 that. And what it says is that it is permissible to --  
13 that Zakat could be used for the mujahideen fighting the  
14 war, and the poor and charity.

15 The fact that -- the mujahideen have to eat,  
16 too, you know, and so the fact that some of this might  
17 have ended up in their hands to do that is -- I don't  
18 think it means a great deal, because when you are  
19 dealing with a Muslim rebel organization somewhere,  
20 they, too, have the view in fact that all of life is a  
21 seamless garment.

22 And like Hezbollah in Lebanon, Hezbollah  
23 administers charities and government in southern Lebanon  
24 for everyone. And these people, when they are running a  
25 piece of Chechnya, they also take care -- even though



1 they are fighting the Russians, they also take care of  
2 feeding people, and the homeless, and sick, and things  
3 like this.

4 So it's very difficult for somebody sending  
5 money from Saudi Arabia to be sure of what the exact  
6 purpose is that it will be put to at the other end.

7 Q. It's very difficult? I thought that the Saudi  
8 government had strict control?

9 A. Well, until the money goes overseas. Once it  
10 gets to a place like Chechnya, how are they going to  
11 exert strict control? We send a lot of money to  
12 Afghanistan, can we exactly be determined as to how it's  
13 used there?

14 Q. We're not here to talk about Afghanistan, sir.  
15 This particular fatwa was found in the defendant's  
16 computers. Are you aware of that?

17 A. There are -- a great many things were found in  
18 the defendant's computers, various messages sent to him,  
19 things from overseas that were on distribution lists. I  
20 don't think the possession of messages in a library or  
21 in an archive in your computer indicates anything other  
22 than interest on your part in what's going on. I have a  
23 lot of things in my library, too.

24 MR. GORDER: Your Honor, can we strike the  
25 answer as nonresponsive?

1 MR. WAX: It was directly responsive to the  
2 question.

3 THE COURT: We don't need argument now. We'll  
4 let the jury decide whether it was responsive. Go to  
5 the next question, please.

6 BY MR. GORDER:

7 Q. In any event, this particular fatwa indicates  
8 that Zakat in the land of the Caucasus, specifically  
9 Chechnya, is permissible for the mujahideen?

10 A. Yeah, but what purpose the mujahideen might put  
11 it to is not specified in this document.

12 Q. So you are telling us that when the Saudi  
13 government was exercising strict control over  
14 al-Haramain, that did not include preventing money from  
15 going to the mujahideen as long as it was for food?

16 A. Once funds arrive in a place like Chechnya in  
17 an active war zone in the hands of a rebel group that  
18 sees itself responsible for all aspects of life, I don't  
19 think there is any way you can control exactly what use  
20 it will be put to.

21 Q. Exactly. It could be used for bombs?

22 A. I don't think there's any way you can know what  
23 they will do. But that doesn't mean, in fact, that the  
24 al-Haramain charity intended for it to go to that at  
25 all.

1 Q. Ammunition?

2 A. I'm not going to answer that question. I said,  
3 you don't know what kind of use they might put it to.

4 Q. You have no idea once it leaves the country?

5 A. That's right. Once the funds go from Saudi  
6 Arabia through some channel to Chechnya in the middle of  
7 a war against the Russians, into the hands of some  
8 fighting group that also exercises social  
9 responsibility, you have no way of knowing what they are  
10 going to do with it.

11 Q. Once it's converted to cash, it can be used to  
12 buy food; is that correct?

13 A. Money can be used for anything, can't it?

14 Q. I'm asking you a question, sir. Could you  
15 please answer it.

16 A. What is the question?

17 Q. Once aid is converted to cash, it can be used  
18 to buy food?

19 A. It could be used to buy anything, yes. It  
20 could be used to buy food.

21 Q. Ammunition?

22 A. Yes, of course.

23 Q. Guns?

24 A. Yes.

25 Q. To pay trainers to train soldiers?

1 A. Yes.

2 Q. The widows and orphans of the mujahideen?

3 A. Certainly. They are poor and destitute as  
4 well.

5 Q. Now, are you familiar with someone named Wail  
6 Jalaidan?

7 A. I've heard the name. I don't remember who that  
8 is.

9 Q. He was the person who was appointed by the  
10 Kingdom of Saudi Arabia as the first director of the  
11 SJRC.

12 A. Ah, yes, I remember that now, okay.

13 Q. A good friend of Osama bin Laden's?

14 A. Well, I don't know that to be true. I know  
15 that has been asserted, but I don't know that to be  
16 true.

17 Q. That would be a curious appointment, if you  
18 were exercising strict control?

19 A. I don't know that to be true.

20 Q. Well, you indicated that you read the Senate  
21 testimony of Evan Kohlmann?

22 A. I did.

23 Q. And did you read what he had to say on that  
24 subject?

25 A. I don't know that Mr. Kohlmann is right about

1 this. He's a good researcher, but how do I know he  
2 reached correct conclusions?

3 Q. Did you read about --

4 THE COURT: Counsel, this goes both ways. I  
5 don't favor witnesses commenting on another witness's  
6 testimony.

7 (Discussion held off the record.)

8 BY MR. GORDER:

9 Q. Sir, you have previously written "It was very  
10 difficult for the government of Saudi Arabia to prevent  
11 the export of vast sums of private Saudi money;" is that  
12 correct?

13 A. When did I write that?

14 Q. If you could take a look at page 4 of the same  
15 article, "Wahhabism and Jihad," last paragraph on the  
16 bottom of page 4.

17 A. Yeah. This has to do with the support of  
18 Wahhabi missionary works abroad.

19 Q. This is missionary work by a group that  
20 believes in endless war?

21 A. That isn't the only thing they believe in, sir.

22 Q. But you did write that "It has been almost  
23 impossible for the government to prevent the export of  
24 vast sums of private Saudi money to support Wahhabi  
25 missionary works abroad."

1           A.       I think that's certainly true, but that doesn't  
2     have anything to do with al-Haramain. That has to do  
3     with the willingness of rich Saudis to send their money  
4     abroad to support missionary activity.

5           Q.       You don't know if it has anything to do with  
6     al-Haramain or not, do you?

7           A.       No, but neither do you.

8           MR. GORDER: No further questions, Your Honor.

9           MR. WAX: A few follow-ups, please.

10                               REDIRECT EXAMINATION

11     BY MR. WAX:

12           Q.       Colonel Lang, with respect to some of the  
13     questions that Mr. Gorder was asking about items found  
14     on the computers taken from al-Haramain, your response  
15     to one of the questions included something to the effect  
16     of -- if I heard you correctly, it doesn't mean that  
17     al-Haramain charity, al-Haramain Saudi, intended the  
18     money to go anywhere.

19                       The fact that there is a fatwa issued and is  
20     put on a Web site where there is reference to charitable  
21     work, what, if anything, does the presence of that fatwa  
22     mean about the intent of al-Haramain Saudi, as you  
23     understand it?

24           A.       Well, I can only give you my opinion.

25           Q.       That's what we're seeking.

1           A.       Yeah. The -- I think that seeking the support  
2 of various senior clerics in the Wahhabi religious  
3 scholarly establishment, they allowed several things to  
4 be put on their Web site which were probably  
5 inappropriate. And the references to military support  
6 here I think were a bad idea, but I don't think they are  
7 definitive of what they were doing.

8           Q.       Now, with respect to my client, Pete Seda,  
9 you've been shown these items by the government today  
10 that were on the computer. You've also had the  
11 opportunity to see things written or said by Mr. Seda  
12 himself.

13          A.       Yes.

14          Q.       In terms of your work in assessing people for  
15 32 years for the United States government, which type of  
16 information is more important?

17                 MR. GORDER: Objection, Your Honor, he can't  
18 comment on --

19                 THE COURT: Sustained.

20 BY MR. WAX:

21          Q.       Did you observe e-mails that are in evidence in  
22 this court to and from Mr. Seda, between Mr. Seda,  
23 al-Haramain Ashland, to al-Haramain Saudi, discussing  
24 charitable works?

25          A.       Oh, yes.

1 Q. And in your judgment, is the presence of those  
2 e-mails important?

3 MR. GORDER: Objection, Your Honor.

4 THE COURT: Yeah, this gets into the province  
5 of the jury, Mr. Wax.

6 MR. WAX: I believe that Agent Anderson was  
7 permitted to testify that she selected certain items  
8 because she believed they were important.

9 THE COURT: Well, all right, that -- I'm  
10 just -- he can answer this question, but --

11 MR. WAX: Thank you. I will stop after this  
12 question.

13 THE COURT: -- you know what I'm saying.

14 MR. WAX: Yes, sir.

15 THE WITNESS: Could you repeat the question?

16 THE COURT: Do you think those e-mails about  
17 charity are important?

18 THE WITNESS: Yes, I do.

19 MR. WAX: Thank you.

20 THE COURT: Anything further?

21 MR. WAX: No. Thank you.

22 THE COURT: Other?

23 MR. GORDER: No, Your Honor.

24 THE COURT: You may step down. Thank you.

25 THE WITNESS: Thank you, Your Honor.



1 THE COURT: Counsel, I'm willing to keep the  
2 jury here for a while longer. We're not going to have a  
3 lunch break. I'm going to just let them go this  
4 afternoon. I know you had some other people, a couple  
5 short ones you want to put on.

6 MR. WAX: Yes, we could put on two more short  
7 witnesses, Your Honor.

8 THE COURT: Do you need a break before we do  
9 that? Let's go ahead and do that. Some of you may be  
10 driving to the coast or who knows.

11 MR. WAX: Your Honor, may Colonel Lang remain  
12 in the courtroom?

13 THE COURT: Yes.

14 MR. CASEY: Call Mr. Taha.

15 THE CLERK: Please step forward. Please raise  
16 your right hand.

17 (The witness was sworn.)

18 THE CLERK: Please step around, have a seat.

19 THE WITNESS: Thank you.

20 THE CLERK: Please speak into the microphone  
21 here. And there is water here if you need some.

22 Please state your name and then spell your name  
23 for the record.

24 THE WITNESS: My name is Nabil, that's N like  
25 Nancy, A like Adam, B like Bob, I-L, Nabil. Last name

1 is Taha, T-A-H-A.

2 DIRECT EXAMINATION

3 BY MR. CASEY:

4 Q. Mr. Taha, where do you live?

5 A. I live in Klamath Falls, Oregon.

6 Q. And how long have you lived there?

7 A. Boy, that's -- I moved in 1993 -- 1997, so  
8 that's how much? That's quite a bit, 13 years.

9 Q. I'm -- you're asking the wrong guy, but it  
10 sounds about right. Where were you born?

11 A. I'm sorry, sir?

12 Q. Where were you born, sir?

13 A. I was born in Cairo, Egypt.

14 Q. And how long did you live in Egypt?

15 A. I lived until I think about 26 years old when I  
16 came to the States to study at Kansas State University.

17 Q. Okay. And did you complete a degree at Kansas  
18 State University?

19 A. Yes, sir, I finish my master and my Ph.D. in  
20 engineering.

21 Q. So you have a Ph.D., that's a doctor of  
22 philosophy, in what?

23 A. Civil engineering.

24 Q. Civil engineering.

25 A. Yeah, structural, building like this one.

1 Q. Okay. And then when is it that you -- what did  
2 you do after you got out of school with your Ph.D.?

3 A. I work in Kansas City for a while. Then OIT  
4 had an opening for a teaching position, so I moved to  
5 Klamath Falls to teach at Oregon Institute of  
6 Technology.

7 Q. Were you a professor there?

8 A. I was associate professor there, yes.

9 Q. In what?

10 A. Civil engineering.

11 Q. And how long were you in that position at  
12 Oregon -- what is it, Oregon Institute of Technology?

13 A. Yes.

14 Q. All right.

15 A. I stayed seven years there.

16 Q. Seven years. And then did you start a  
17 business?

18 A. I start a business the next year I was joined.  
19 In 1998, I started engineering firm called Precision  
20 Structural Engineering. And in 2004, the business grew,  
21 we made money, and I did the silly things and resigned.  
22 And I'm sorry I resigned because of the recession now,  
23 so.

24 Q. You resigned from the faculty at the  
25 university, is that it?

1 A. Yes, sir.

2 Q. To pursue your business interests 100 percent  
3 of the time?

4 A. Yes, sir.

5 Q. And the business is -- what is it, Precision  
6 Structural Engineering?

7 A. Yes, sir.

8 Q. What does it do?

9 A. We do blueprints to construct a building like  
10 this one. Columns, beams, foundation, the skeletal of  
11 the business I do, so I'm responsible for the safety of  
12 the building, so I -- that building sounds safe to me  
13 (indicating).

14 Q. In that respect, does your -- has your business  
15 had occasion to design churches and synagogues?

16 A. Oh, absolutely. I've designed personally about  
17 15, 20 churches. I'm pleased to have the icing on the  
18 cake was one synagogue because that is not things you  
19 see all the time. So I did, yes. I did a lot of them.  
20 We give special discounts to churches because it's a  
21 place of worship. That's great.

22 Q. And you remain in that business today?

23 A. Yes, sir.

24 Q. All right. You are a, as I understand it, a  
25 Muslim; is that correct?

1 A. That's true.

2 Q. Okay. And where would you fall on the spectrum  
3 of the Muslim religion, do you know?

4 A. I hope my dad is not here. On the loose side,  
5 kind of. I am liberal, very liberal kind of.

6 Q. So in 1997, I think that's when you moved to  
7 Klamath Falls; is that right?

8 A. Yes, sir.

9 Q. Okay. In 1997, did you have occasion to seek  
10 out a place to practice your religion?

11 A. Yes, sir, I did. And I looked in the paper and  
12 I found Pete, the first time we prayed in his own house,  
13 there was no place for worship at the moment.

14 Q. How did you find Pete's prayer house, as it  
15 were?

16 A. Just in the phone book, and there was -- in the  
17 Yellow Pages, there was an ad for the mosque, yes.

18 Q. And that's how you came to know Mr. Seda?

19 A. Yes, sir.

20 Q. Were you a regular attendee at the prayer  
21 services at his place?

22 A. I did attend quite a bit.

23 Q. How frequently would you attend?

24 A. Sometimes once a week. Sometimes once a month,  
25 because I had two jobs at the moment, the college and

1 the business, so once a week or once a month, that -- it  
2 fall in between.

3 Q. So as I understand it, there were regular  
4 weekly prayer sessions; is that right?

5 A. Each Friday, yes.

6 Q. Each Friday?

7 A. And then once a month, potluck, social.

8 Q. Potluck. Do you have a family?

9 A. Yes, sir. I have a wife and two daughters.

10 Q. Tell us about your family.

11 A. I have a wife and two daughters.

12 Q. Did you take your wife and two daughters with  
13 you to attend the prayer sessions?

14 A. Yes, sir. Especially the social event, we love  
15 the food, we love the event, and definitely I want to  
16 spend some time with my family there, yes.

17 Q. So the prayer group in 1997, that was in Pete's  
18 house or trailer or --

19 A. Yes, trailer, yes.

20 Q. There came a time when it moved to somewhere  
21 else?

22 A. Yes, sir.

23 Q. Where was that?

24 A. That was the place in Ashland, 19 blah blah  
25 blah. You probably have the address.

1 Q. South Highway 99?

2 A. Yes.

3 Q. And is that where the tent was?

4 A. The tent?

5 Q. The tent, yes.

6 A. Yes, there was a tent and there was a nice  
7 camel. My kids loved to play with the weird shaped  
8 thing that they're not used to the camel, so yeah, they  
9 enjoyed playing with that.

10 Q. And sometime in 1999, as I understand it,  
11 Pete's organization purchased a building at that  
12 location?

13 A. Yes, yes.

14 Q. And did you do some professional work in that  
15 connection?

16 A. Yes. There was some cracks and the basement  
17 wall of the building was tilting and it was cracking.  
18 And Pete did ask me to look at it since I'm structural  
19 engineer, and I did. And I did some drawings to fix the  
20 basement wall, and also do potential expansion. So,  
21 yes, I did that. That was a gift, by the way, he got it  
22 for free.

23 Q. Tell the ladies and gentlemen of the jury, if  
24 you would, what happens typically at prayer session.

25 A. Prayer session -- prayer session or not the

1 potluck?

2 Q. The prayer session, yes.

3 A. The prayer session, we just go and there was  
4 somebody supposed to give a speech. And we listen to  
5 speech. After the speech, usually we social, like any  
6 church. It's really normal, like anybody else. You  
7 listen to the speech. Sometimes you agree. Sometimes  
8 you don't. I'm on the liberal side, so sometimes I tell  
9 them, okay, say whatever you want, I do whatever I want,  
10 and we social, and then everybody go to work because  
11 it's on Friday.

12 Q. So do a variety of people give the speeches?

13 A. Yes.

14 Q. Okay. Did Pete sometimes give a speech?

15 A. Yes.

16 Q. Anybody else that you can recall offhand?

17 A. Probably if some of the witness outside -- I  
18 mean, it's -- we don't fund -- too much fund, so  
19 sometimes he's asking me, which I deny because of lack  
20 of knowledge, but any member of the community usually  
21 can give a speech.

22 Q. Okay.

23 A. It's a volunteer work.

24 Q. There has been some testimony in this case that  
25 at the prayer house there was a gender separation, men



1 were in one place and women in the other place. Do you  
2 have a view on that?

3 A. Yes. It is a hot issue. Some people would  
4 like to separate sexes. It's baloney, so whenever I  
5 can, I just remove that screen, and join my wife and  
6 kids. I would like to spend some time with them. So  
7 there are some people who would like to separate it, but  
8 I personally against it.

9 And to be honest with you, Pete let me do  
10 whatever I want in many cases. So even though some  
11 people wanted separation, I don't believe in it. And he  
12 didn't mind.

13 Q. Do you continue to attend prayer session?

14 A. As much as I can. And to be honest with you,  
15 the longer I live in the States, the looser I am, so I  
16 attend less now.

17 Q. Where do you go now?

18 A. We have a place in Phoenix.

19 Q. And people who attend prayer sessions in  
20 Phoenix, it's a mosque in Phoenix; is that right?

21 A. That's true, yes, sir.

22 Q. Are they the same core group of people as  
23 attended at Pete's place?

24 A. Yes. Absolutely. I was one of them, and there  
25 are others. But with exception, of course, some people

1 move out and people move in.

2 Q. Right. Did you ever hear anything or see  
3 anything or witness anything going on at the prayer  
4 house that struck you as being radical?

5 A. I would say conservative rather than radical.  
6 Radical is a strong word. I mean, separation is one of  
7 them, which is -- doesn't make sense to me, you living  
8 in the States, for God's sake, we are mixed everywhere.  
9 So separation doesn't make sense to me. So radical, no,  
10 but conservative, some people tried, yes.

11 Q. Did you ever hear a Sheikh Hassan speak?

12 A. Yes, I did one time. And I got him after the  
13 prayer and I gave him a piece of my mind.

14 Q. Why is that?

15 A. I mean, very tight, go back where you belong,  
16 in my opinion. If you are living in the States, just  
17 relax and enjoy life, and love it. It's a good life  
18 here. So I did give him a piece of mind for being --  
19 not radical, though -- but just conservative, like  
20 separation and all these things. Just loosen up,  
21 Mister.

22 Q. What about Pete Seda, was he -- did you ever  
23 hear him saying anything which you would consider  
24 radical or in support of radical Muslim causes or  
25 anything?

1           A.       To be honest with you, I would report anybody  
2       that does something. I mean, listen, I love this  
3       country, and, Pete, if he is bad boy, he won't be my  
4       friend. I'm just simple as that.

5           Q.       You're a businessman, right?

6           A.       I'm sorry?

7           Q.       You're a businessman?

8           A.       I'm a businessman. I have business in town.  
9       And I have my family in town. And I love this country.  
10      And if I see something bad, I will report it. I'm  
11      sorry, Pete, I will report on him if he was a bad boy.

12          Q.       Can you afford to be seen with or to associate  
13      with anybody that's considered to be radical?

14          A.       I don't like them. I just -- it's not me, to  
15      be honest with you. I --

16          Q.       Do you think it might have some impact on your  
17      business?

18          A.       Oh, yes, yes, yes.

19          Q.       Do you know if Pete has ever been associated  
20      with peace-making activities?

21          A.       To be honest with you, I'm proud of him in that  
22      area. He did show up on TV. He was in tough spot.  
23      Let's face it, Islam religion is not popular in the  
24      States, but he has the guts and the nerve to show up on  
25      TV and talk about it. And I am proud of him for that,

1 because some few bad boys can make a really bad  
2 reputation, but he had the guts and nerve to go on TV  
3 and say, hey, we are guys -- typical guys. We would  
4 like to raise our families. We are businessmen and  
5 women, and we would like to live in peace with  
6 everybody. So I am proud of him that he did participate  
7 in several of them.

8 Q. Tell us about the tent. There's a cultural  
9 tent, is that right, at the mosque?

10 A. Yeah, that is just an Arabian culture place  
11 that you go and you have a coffee. And I was there,  
12 myself, and just have a good time. It's just like  
13 greenish environmental movement, if you would like to  
14 say. It's a tent. It's not a building, it was all the  
15 modern stuff. So you just go back to nature and have a  
16 cup of coffee in the nature, because this was in the  
17 grassy area style, so.

18 Q. Was the public invited to participate in events  
19 at the tent?

20 A. I am -- I was not sure if there is public, but  
21 I was there sometimes, but I am unaware if any public  
22 has been.

23 Q. Do you know if Pete had a public profile, as it  
24 were, in the city of Ashland?

25 A. Yeah, the guy is famous, yes, he was.

1 Q. Why is that?

2 A. Because he wants to live in the community.  
3 Pete was -- for the community, I would take him as  
4 better than myself. I am always in business, work  
5 14 hours a day. If you run your own business, one of  
6 you guys, you know, take the trash out, answer the  
7 phone, you do everything, deal with unhappy clients, and  
8 all these things. So my main real insight was in  
9 business. Pete, God bless his heart, he was in the  
10 community. He go to churches, give classes. I know him  
11 going to OSU, to the best of my knowledge, and also  
12 spoke about religion. So he was more involved with more  
13 communicating with the community.

14 Q. Did you ever have any political discussions  
15 with him?

16 MR. GORDER: Objection, Your Honor.

17 THE COURT: Sustained.

18 BY MR. CASEY:

19 Q. Did you ever talk about Chechnya?

20 A. No.

21 Q. Okay. Were you ever -- are you aware of any  
22 efforts on the part of Pete to solicit funds or support  
23 for anything having to do with Chechnya?

24 A. No. Actually, I never was asked to give any  
25 money to them -- to the mosque, the mosque, the place,

1     except when I would just drop something in the box for  
2     utilities, like any worship place, it's living on  
3     donations, so the answer is no.

4           Q.     Did you ever feel any pressure from the  
5     community, from the Muslim community at Pete's place,  
6     to -- I don't know -- become more conservative or more  
7     radical or more whatever, more extreme or more  
8     supportive of any radical Islamic causes?

9           A.     No. Again, to be honest with you, if it does,  
10    I would have left the group long time ago. I'm --

11          Q.     No pressure to become a fundamentalist or  
12    anything like that?

13          A.     Good luck with that. It's not going to happen,  
14    so.

15          Q.     So is it fair to say you know Pete pretty well?

16          A.     I do.

17          Q.     Okay.

18          A.     I do.

19          Q.     Have you ever seen anything about him or seen  
20    him do anything or hear him say anything that would lead  
21    you to believe that he had kind of a hidden or dark side  
22    or some secret agenda to support violence or terror or  
23    anything like that?

24          A.     To be honest with you, no way. Again, as I  
25    shared with you, if I knew, I would report them. I have

1 no mercy on that. But, no, the answer is no, really,  
2 seriously. I know him very well. And we had several  
3 meetings when I was working on the building to fix it,  
4 so you have to talk to the owner. If you are serving  
5 somebody to do repair for his work, for his building,  
6 you have to meet with them, you have to talk to them, so  
7 the answer is absolutely no.

8 MR. CASEY: Nothing further.

9 THE COURT: Cross.

10 MR. GORDER: Thank you, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. GORDER:

13 Q. Mr. Taha?

14 A. Yes, sir.

15 Q. How long does it take to get from Klamath Falls  
16 to Ashland, about an hour and a half?

17 A. An hour and a half, that's correct.

18 Q. So you were able to get over once a month,  
19 maybe once a week?

20 A. That's right. Depends on my time, yes.

21 Q. Depends how busy you were?

22 A. That's true.

23 Q. On projects where you got paid, I assume?

24 A. I'm sorry?

25 Q. On projects where you got paid?

1           A.       That's right, because his project was for free,  
2       so I hope I can collect now.

3           Q.       Okay. This fella, Hassan Zabady, you indicated  
4       that you got upset with him?

5           A.       Yes.

6           Q.       Did you hear him call the United States the  
7       land of the devils?

8           A.       No.

9           Q.       You didn't know much about the finances of  
10      al-Haramain in Ashland, did you?

11          A.       I'm aware of it, that they donated some money,  
12      yes.

13          Q.       Okay. You are aware they donated some money to  
14      the mujahideen in Chechnya?

15          A.       No. I'm aware that they donated money to buy  
16      the place.

17          Q.       Okay. Beyond that, you don't know how they  
18      were spending the money and that sort of thing?

19          A.       Details, no. But I would have heard, if they  
20      did something, but, no, details, I was not really in  
21      details about -- I think I was close enough to them to  
22      know if they did.

23          Q.       Would it surprise you to find out that they  
24      were raising money for the mujahideen in Kosovo?

25          A.       I'm unaware of that.



1 MR. CASEY: Objection, Your Honor. There is no  
2 foundation for that.

3 THE COURT: That's up to the jury. Go ahead.

4 MR. GORDER: No further questions, Your Honor.

5 THE COURT: Anything further?

6 MR. CASEY: Nothing further, Your Honor.

7 THE COURT: Thank you. You may step down.

8 THE WITNESS: Thank you.

9 THE COURT: Your next witness, please.

10 MR. CASEY: Call Caren Caldwell, please.

11 MR. WAX: Your Honor --

12 MR. CASEY: Wait, wait, wait, bear with us for  
13 a second, Your Honor.

14 THE COURT: No, that's fine.

15 (Discussion held off the record.)

16 MR. CASEY: Call Bill Gabriel, please.

17 THE CLERK: Please step forward. Please raise  
18 your right hand.

19 (The witness was sworn.)

20 THE CLERK: Please step around, have a seat.

21 This is your microphone. And water here if you need it.

22 THE WITNESS: Thank you.

23 THE CLERK: Please state your name, and spell  
24 your name for the record.

25 THE WITNESS: Bill Gabriel. B-I-L-L, Gabriel,

1 G-A-B-R-I-E-L.

2 DIRECT EXAMINATION

3 BY MR. CASEY:

4 Q. Where do you live?

5 A. Ashland, Oregon.

6 Q. How long have you been there?

7 A. Since 1973.

8 Q. What do you do for a living?

9 A. I'm a high school teacher.

10 Q. And how long have you been engaged in that  
11 occupation?

12 A. Twenty-four years as a high school teacher,  
13 four years as a middle school teacher.

14 Q. Where do you teach?

15 A. Ashland High School.

16 Q. What kind of courses do you teach?

17 A. I teach ninth grade humanities, which is global  
18 studies and English. I teach advanced placement world  
19 history, history through film, journalism, and the  
20 school newspaper, *The Rogue News*.

21 Q. Okay. Do you know Pete Seda?

22 A. I do.

23 Q. He's here in the courtroom, is he not?

24 A. Yes, he is.

25 Q. Point him out?

1 A. (Indicating).

2 Q. Okay. Is Pete -- was Pete -- strike the  
3 question. How long have you known Pete?

4 A. Well, I knew Pete initially when I had Jonah,  
5 his son, in my class, and -- through parent conferences.  
6 And then I knew Pete as a -- in a relationship because  
7 we used to take our class to the tent.

8 Q. Okay. So when did you first make his  
9 acquaintance?

10 A. Well, whenever -- Jonah was a freshman, which  
11 maybe 15 years ago.

12 Q. Okay. Did Pete have an active profile in the  
13 community?

14 A. Yes, he did.

15 Q. Do you want to elaborate on that a little bit?

16 A. Well, he was the arborist, and -- so you'd  
17 always see the arborist truck driving around. He  
18 actually lived up the street from where I lived. And he  
19 was also -- he had the tent. And we would take our  
20 students to the tent about -- I think three years in a  
21 row, four years in a row. It was the Qur'an Foundation,  
22 that we would learn Islam -- about Islam.

23 We'd also take our kids to the Jewish temple  
24 and also the minister would come in and talk about  
25 Christianity. And we also went to the Buddhist temple,

1 so it wasn't just Islam.

2 Also, Pete would be in the Fourth of July  
3 parade with the camel. And also on the public -- we  
4 have a local television network in Ashland or in  
5 southern Oregon, and so he would -- and along with -- I  
6 believe it was Rabbi Sirinski would be on panels  
7 discussing religions.

8 Q. Pete would be with Rabbi Sirinski?

9 A. I believe so, or Rabbi David Zaslow.

10 Q. Zaslow, okay. Tell us about the times that you  
11 took your classes to the prayer center that Pete ran.

12 A. Well, we'd -- we would go and -- we would  
13 arrange it with Pete. And Pete would -- we'd go as a  
14 class. And as a class, we would hop on a bus. It was  
15 only a few miles.

16 Q. Like how many kids?

17 A. Well, the biggest group was 60 kids. That was  
18 a combination of two classes. Or you'd take --  
19 actually, there was always about 60 kids. And my  
20 teaching buddy, Butch McBaine, who taught the English  
21 side, and I taught the global studies side, we would  
22 take them there. And then we were studying the Middle  
23 East -- I'd teach global studies according to regions.  
24 And we were studying the Middle East at particular  
25 times, so we were studying -- whatever region we were

1 studying, we'd study the religions.

2 And so when we're studying south Asia, we'd  
3 study Buddhism and Hinduism. And when we studied the  
4 Middle East, we studied Judaism, Christianity, and  
5 Islam.

6 So Pete and I got to talking, and Pete says,  
7 I've got this Qur'an Foundation, and we discuss Islam.  
8 I says, great, let's go. So we'd go out. And would --  
9 kids would go there. And we'd sit in a circle in this,  
10 actually, beautiful tent, with nice carpeting, and the  
11 kids would eat dates and drink water, and Pete would  
12 talk about Islam.

13 Q. What would he say?

14 A. He'd talk about the principles of Islam. Now,  
15 in the class when we'd -- we'd always talk about, you  
16 know, I mean, I would go over the five pillars of Islam,  
17 and talk about the divine chain, and, you know, it's the  
18 God of Abraham with Judaism and Christianity and Islam.

19 And he would talk about the five pillars. And  
20 what -- you know, what it was like to be on Hajj. And  
21 he discussed Ramadan. And just a basic daily behavior  
22 of Muslims. And the kids would -- were really engaged,  
23 I believe.

24 Q. Okay. Ask if you can show -- I believe, Your  
25 Honor, these -- this series of exhibits has been -- at

1 least the three documents I'm going to be referring to  
2 now have been admitted. So Exhibit 910, please. I'm  
3 sorry 610. Could you expand that.

4 Do you recognize that, Mr. Gabriel?

5 A. The camel or the house?

6 Q. Both. Either or both.

7 A. I do, I do.

8 Q. They both belong to the al-Haramain center that  
9 you attended?

10 A. Yeah, we always knew it as the tent.

11 Q. Okay. 611, please. Is that the tent?

12 A. That looks like the tent.

13 Q. Okay. 612, please. Same property.

14 A. Yes. The tent is behind the flowering tree.

15 Q. Okay. Now, without showing the next two to the  
16 jury, since they have not yet been admitted, 966,  
17 please. Without commenting on what this is, do you  
18 recognize it, sir?

19 A. Yes, I do.

20 MR. CASEY: Your Honor, I would ask that this  
21 document be admitted.

22 THE COURT: Received.

23 MR. CASEY: Thank you.

24 BY MR. CASEY:

25 Q. Can we show it to the jury, please. What do

1 you see in that picture, sir?

2 A. Those are my students from our classes, and  
3 that were inside the tent. And that's what we'd do,  
4 we'd sit in a circle around that. And Pete would be  
5 on -- you know, in the middle, really, on one side.  
6 We'd be in a circle, and there would be a discussion.

7 Q. Boys and girls together?

8 A. Boys and girls together.

9 Q. Okay. And the same thing, Ms. Wells, if you  
10 would show -- not show this next exhibit not to the jury  
11 first, please. Show it to the witness. This is 967,  
12 which I understand, Your Honor, is under advisement.

13 MR. CARDANI: No objection.

14 THE WITNESS: Can I put my glasses on?

15 THE COURT: It's received.

16 BY MR. CASEY:

17 Q. Can you show it to the jury, please.

18 A. Yeah.

19 Q. What do you see in this exhibit, sir?

20 A. That's another one of our classes. I can see  
21 my buddy, my teaching partner, Butch's head is right in  
22 the foreground there, and I'm in the background, and  
23 those are more students in the tent.

24 Q. Do you see Pete there?

25 A. I think I do. It's -- yes.

1 Q. Is that him standing in the background?

2 A. Yes, standing, yes.

3 Q. Just quickly go back to 966, please. Do you  
4 know when that picture was taken? Was it before or  
5 after 9/11?

6 A. It was right after 9/11, yes.

7 Q. Right after 9/11. Did Pete have anything  
8 particular to say about 9/11 at that?

9 A. Yeah, he condemned it. He condemned the acts.  
10 He was upset about it. And he said that Muslims would  
11 not kill innocent people. And he was very adamant about  
12 that. And it was just interesting, because we had just  
13 taken a field trip to Crater Lake, and we didn't even  
14 know 9/11 took place. And our kids came down -- we were  
15 up in the parking lot, and we heard about it through  
16 people staring blindly into space and were in -- you  
17 know, and they said -- they heard it on the radio. And  
18 we were in Crater Lake, of all places. And then we came  
19 back, and it was about a week -- I don't know the exact  
20 date. I know it was after -- fairly soon after 9/11.  
21 And that's what we did.

22 MR. CASEY: Nothing further. Thank you,  
23 Mr. Gabriel.

24 THE COURT: Cross.

25



1 CROSS-EXAMINATION

2 BY MR. CARDANI:

3 Q. Mr. Gabriel?

4 A. Hi.

5 Q. Hi. Just a few questions. The meetings that  
6 you had with your classroom when you went to the  
7 property, was it confined to the tent or did you go  
8 inside the house itself?

9 A. We never went inside the house.

10 Q. Did you have much exposure yourself to what was  
11 going on inside the premises --

12 A. No.

13 Q. -- of al-Haramain?

14 A. No.

15 Q. So is it fair to say you're not aware of how  
16 Mr. Sedaghaty ran the financial operations of  
17 al-Haramain?

18 A. That's -- I -- I don't know.

19 Q. All right. I just have one more question for  
20 you. But it's really important. And you're a teacher  
21 for a long time.

22 A. Yeah.

23 Q. What was the name of the camel?

24 A. I don't know.

25 MR. CARDANI: I have nothing else.

1 MR. CASEY: I was about to object.

2 THE REPORTER: Your Honor, I need him to spell  
3 the other teacher's name that was with him.

4 THE COURT: Yes.

5 THE WITNESS: Butch McBaine, Butch or Robert,  
6 M-C-B-A-I-N-E.

7 THE REPORTER: Thank you.

8 THE COURT: Anything further? One more.

9 MR. CASEY: Okay. Call Caren Caldwell, please.

10 THE CLERK: Please raise your right hand.

11 (The witness was sworn.)

12 THE CLERK: Please step around back here. And  
13 have a seat. Please speak into the microphone. It's  
14 this button here. Water is here if you would like some.

15 THE WITNESS: Okay.

16 THE CLERK: Please state your name, then spell  
17 your name for the record.

18 THE WITNESS: Caren Caldwell. C-A-R-E-N,  
19 Caldwell, C-A-L-D-W-E-L-L.

20 DIRECT EXAMINATION

21 BY MR. CASEY:

22 Q. Ms. Caldwell, where do you live?

23 A. Ashland, Oregon.

24 Q. And for a substantial period of time, you were  
25 a pastor of a congregational church there; is that

1 correct?

2 A. Yes.

3 Q. And I believe that was almost 20 years, about  
4 19 years?

5 A. Nineteen years, exactly.

6 Q. And some time after that, you were an associate  
7 pastor at the United Methodist Church in Medford; is  
8 that correct?

9 A. Yes.

10 Q. Okay. So you are an ordained minister?

11 A. Yes.

12 Q. Okay. And how did you come -- strike the  
13 question. Do you know Mr. Seda?

14 A. Yes.

15 Q. And how did you come to know him?

16 A. I came to know him in the mid '80s soon after I  
17 arrived in Ashland. And he was a college student then,  
18 and came to our church to ask to rent some space for a  
19 Friday evening prayer group.

20 Q. Did he, in fact, conduct Friday prayer services  
21 at the church?

22 A. Yes, uh-huh.

23 Q. For how long a period of time?

24 A. For about a year.

25 Q. And did Pete have a profile in the community,

1 fairly high visibility profile?

2 A. In later years, yes, yes, very familiar.

3 Q. Can you elaborate on that?

4 A. Well, he was familiar as the tree person. He  
5 used to drive a great big tree truck through town on the  
6 Fourth of July, and that was his business. And he was  
7 also familiar in the peace community in Ashland. We  
8 had, you know, a number of events, interfaith events and  
9 peace events, and he would be on panels or speaker or  
10 offer some kind of, you know, offering in the services  
11 and the panels.

12 Q. Was he considered to be a part of the peace  
13 community in Ashland?

14 A. I think so. Yeah, he was a regular on some of  
15 the programs that featured, you know, interfaith  
16 speakers.

17 Q. Were you a member yourself?

18 A. Yes, yes.

19 Q. And so when you speak of the peace community  
20 and the interfaith community, are they one and the same,  
21 or are they different or what?

22 A. Huge amounts of overlap, yes.

23 Q. Overlap, yeah. And Pete would be considered to  
24 be part of both communities; is that what you are  
25 saying?

1 A. Oh, yes, yes, yeah.

2 Q. Okay. And what made him so? What makes one a  
3 member of those communities?

4 A. Well, I suppose you just sort of like choose  
5 your own community, don't you, what you are interested  
6 in?

7 Q. Did he participate in any particular  
8 activities?

9 A. He participated in interfaith services. We  
10 have Thanksgiving services every year that are inter-  
11 faith in nature in Ashland. We've had some, you know,  
12 special services, particularly at the time of the  
13 murders of two women, when the whole community kind of  
14 turned out, out of concern.

15 Q. Where was that and when was it, do you know,  
16 offhand?

17 A. The '90s, mid '90s. It was a lesbian couple,  
18 Roxanne and Michelle, who were members of the United  
19 Methodist Church in Ashland. They were murdered. And  
20 the community had service, sort of a vigil service,  
21 before their bodies were found, and then a memorial  
22 service afterwards.

23 Q. Is it my understanding that representatives of  
24 various religious faiths were asked to appear to speak?

25 A. Yes, yes, that's correct.

1 Q. And did you speak at it?

2 A. I spoke at one of those events. I can't  
3 remember which one. And Pete was at both of the events,  
4 as I recall.

5 Q. Okay. Did Pete speak at that memorial service  
6 for women?

7 A. I think so. I get the two services kind of  
8 conflated in my mind.

9 Q. Did you ever invite him to your church to  
10 speak?

11 A. On at least two occasions. He came early on  
12 after I first met him, and I asked him to do what we  
13 call a mission moment in the Sunday service talking  
14 about his faith. And then a few years later, several  
15 years later, I asked him to come again when our adults  
16 were doing a study of world religions. So he came for  
17 two Sundays in a row to talk about Islam and share with  
18 an hour-long class.

19 Q. Without getting into the -- you know, the great  
20 details, details of what he spoke about, could you  
21 describe the gist of his presentations about the  
22 religion of Islam?

23 A. Oh, I think, you know, he started out with, you  
24 know, sort of the basics, this is what people of the  
25 Muslim faith believe, the five principles, or I don't

1 always have the right lingo. And then he had, you know,  
2 a number of questions that people would ask, something  
3 about, you know, well, what's women's role in Islam?  
4 And he would just, you know, be glad to talk about any  
5 of that. How they thought about, you know, jihad, or  
6 what a spiritual life -- a spiritual obligation was for  
7 a Muslim.

8 Q. Is it fair to say that the purpose of these  
9 interfaith meetings would be to extend bridges to the  
10 community at large?

11 A. Yeah, that was like a mission that Pete  
12 practiced in the community, as, you know, he was the  
13 go-to person that whenever we wanted to have that kind  
14 of an event to build bridges across, you know,  
15 differences in the community, he was the one we went to  
16 to talk about Islam.

17 Q. Did he ever express to you or do anything to  
18 impress you with his attitude about charity, for  
19 example?

20 A. Charity, he expressed, was one of the  
21 obligations of a Muslim, so.

22 Q. Did he ever do anything or say anything in  
23 particular that would reflect on his commitment to  
24 charity?

25 A. Well, I remember him talking about taking a

1 trip to Israel. He had some material contributions for  
2 Palestinians, and he was trying to get them into the  
3 country, but the Israelis barred him.

4 Q. Did he ever do or say anything to you at any  
5 time over the years suggesting that he had a -- sort of  
6 a secret side or dark side or some sinister side that  
7 would be supportive of violence or terror or even, you  
8 know, like a militant expression of Islam?

9 A. No. I mean, that doesn't even fit his  
10 personality. As I witnessed that, he was just always  
11 sort of very open and friendly, talkative, willing to  
12 shoot the breeze, talk seriously about stuff, talk about  
13 whatever was happening in the community. I didn't see  
14 any signs of any secretiveness at all.

15 MR. CASEY: Thank you. Nothing further.

16 THE COURT: Cross.

17 CROSS-EXAMINATION

18 BY MR. GORDER:

19 Q. Were you aware of his prisoner project to send  
20 Qur'ans to prisoners around the country?

21 A. Not until I attended the first hearing about  
22 three years ago.

23 Q. So you were not aware back in the year 2000  
24 that he was sending Qur'ans to prisoners with a call to  
25 jihad appendix?



1           A.       I was not aware of his distribution of the  
2       Qur'an to prisoners.

3           Q.       How about did he ever share with you this book,  
4       *Islamic Guidelines For Individual and Social Reform*?

5           A.       He shared a Qur'an with me, which he gave me in  
6       English, and he also had a booklet that he wrote about  
7       the basics of Islam.

8           Q.       The Qur'an that he gave you did not have a call  
9       to jihad in it?

10          A.       I don't think so. I probably never read it  
11       that closely.

12          Q.       Would it surprise you to learn that this book  
13       has some fairly anti-Semitic things in it?

14          A.       I don't know what book that is.

15                 MR. GORDER: Nothing further.

16                 THE COURT: You may step down.

17                 MR. CASEY: May I, Your Honor, just follow up  
18       briefly?

19                 THE COURT: Briefly.

20                         REDIRECT EXAMINATION

21       BY MR. CASEY:

22          Q.       In your capacity as a minister, I assume you've  
23       had occasion to give lessons on -- to study, first of  
24       all, and then to give lessons on the Bible?

25          A.       Completely. Every year, every season of the

1 year.

2 Q. So are you familiar in the Bible that there are  
3 references in the Bible to acts of mayhem, murder, rape,  
4 violence, describing God as a god of war, et cetera?

5 A. I am. There are quite a few of them. I have  
6 read the entire Bible, and I have studied and taught it  
7 and had to answer for it.

8 Q. And before you gave your lessons or your  
9 sermons or made the Bible available to your congregants,  
10 did you take the pains to excerpt and to delete every  
11 such reference from the Bible?

12 A. No.

13 Q. Thank you.

14 A. I just assumed everybody had the same Bible.  
15 It is what it is.

16 MR. CASEY: Thank you. Nothing further.

17 THE COURT: Thank you.

18 Members of the jury, we're going to be in  
19 recess until 9 o'clock Monday morning. Now, during the  
20 weekend, there's no sense thinking about this case. You  
21 think about other things. Maybe you've got some fun  
22 planned or not, or maybe you have work planned for Labor  
23 Day, it sort of seems like it might fit. Whatever you  
24 have planned, don't think about the case, and don't talk  
25 to anyone about it. Don't read anything about it. And

1 we're on a good pace here. It's not going to take all  
2 of next week to finish this case.

3 So I said Monday, didn't I? Tuesday. Tuesday  
4 at 9 o'clock. Yes, judges make mistakes, too. I'll  
5 give you my wife's number, if you want to point that  
6 out.

7 And I want to tell you I really approve of most  
8 of your dress today, also. My daughter would be very  
9 happy with Mr. Meeuwsen's attire since she -- when she  
10 started attending Oregon State, for Christmas our son  
11 gave her a gift. He bought a Duck mascot and a Beaver  
12 mascot and did surgery on them, and made them sort of  
13 like Siamese twins, you know. And she put it up there  
14 in her room. And she was in the dorm with all the  
15 freshmen football players at Oregon State. She typed a  
16 few of their papers. They probably needed a little bit  
17 of study, but so do ours. And at any rate, that was a  
18 great matter of controversy in that dorm room.

19 We'll see you on Tuesday.

20 (Jury exits the courtroom at 1:08 p.m.)

21 THE COURT: What do we have left, Mr. Wax?

22 MR. WAX: I don't know. We will --

23 THE COURT: Your guess will be better than  
24 mine.

25 MR. WAX: We will be caucusing either this

1 afternoon or tomorrow, and we'll figure out how  
2 extensive a case we'll proceed with.

3 My best guess, without consulting with anyone  
4 else, is testimony should be done on Tuesday.

5 THE COURT: Uh-huh.

6 MR. MATASAR: Remember we're starting Tuesday.

7 MR. WAX: I do recall that. As I said, I  
8 didn't consult with Mr. Matasar or Mr. Casey, so -- but  
9 that's for whatever it's worth.

10 THE COURT: Thank you.

11 MR. CARDANI: If that's the case, Judge, we're  
12 going to have to talk about instructions at some point.

13 THE COURT: Yes.

14 MR. CARDANI: I don't know if the court's  
15 planned on that. We got a draft copy of the  
16 instructions yesterday. We'll review those over the  
17 weekend, but I was hoping to have a meaningful  
18 opportunity to talk about instructions.

19 THE COURT: You will have a meaningful  
20 opportunity.

21 MR. MATASAR: Where has he been all week? I  
22 don't know.

23 THE COURT: To address the court. We will not  
24 submit it to majority vote, however.

25 I've only been reversed on instructions once,

1 and I did it to myself. After the jury was out, I --  
2 someone in my office showed me a pesky case.

3 MR. CARDANI: I seem to know a little bit about  
4 that since it was my case.

5 THE COURT: Yes. We did a do over. All right.  
6 Thank you.

7 (The proceedings were adjourned at 1:10 p.m.)  
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## 1 CERTIFICATE

2 I, Deborah Wilhelm, Certified Shorthand Reporter  
3 for the State of Oregon, do hereby certify that I was  
4 present at and reported in machine shorthand the oral  
5 proceedings had in the above-entitled matter. I hereby  
6 certify that the foregoing is a true and correct  
7 transcript, to the best of my skill and ability, dated  
8 this 5th day of September, 2010.

9  
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11  
12 /s/ Deborah Wilhelm

13 \_\_\_\_\_  
14 Deborah Wilhelm, RPR  
15 Certified Shorthand Reporter  
16 Certificate No. 00-0363  
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